

# **Virginia General Assembly**

## **2016 Session Summary**



**Virginia Division of Legislative Services**



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# Contents

Introduction. . . . .	1
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## **Bills by Subject**

Administration of Government. . . . .	3
Agriculture, Animal Care, and Food . . . . .	22
Alcoholic Beverage Control Act. . . . .	25
Behavioral Health and Developmental Services . . . . .	29
Civil Remedies and Procedure . . . . .	31
Commonwealth Public Safety . . . . .	34
Conservation . . . . .	38
Contracts . . . . .	40
Corporations . . . . .	40
Counties, Cities and Towns . . . . .	40
Courts Not of Record . . . . .	49
Courts of Record. . . . .	51
Crimes and Offenses Generally . . . . .	53
Criminal Procedure. . . . .	68
Domestic Relations. . . . .	76
Education . . . . .	78
Educational Institutions . . . . .	90
Elections . . . . .	97
Eminent Domain. . . . .	107
Financial Institutions and Services . . . . .	107
Fire Protection. . . . .	110
Fisheries and Habitat of the Tidal Waters . . . . .	111
Game, Inland Fisheries and Boating. . . . .	112
General Assembly. . . . .	114
General Provisions . . . . .	116
Health . . . . .	117
Highways and Other Surface Transportation Systems . . . . .	125
Hotels, Restaurants, Summer Camps, and Campgrounds . . . . .	132
Housing. . . . .	132
Insurance. . . . .	133
Juvenile Justice . . . . .	138
Labor and Employment . . . . .	138
Libraries . . . . .	140
Mechanics' and Certain Other Liens. . . . .	141
Military and Emergency Laws . . . . .	141
Mines and Mining. . . . .	142
Motor Vehicles . . . . .	142
Notaries and Out-of-State Commissioners . . . . .	151
Nuisances . . . . .	151
Pensions, Benefits, and Retirement . . . . .	151
Persons with Disabilities. . . . .	153
Police (State). . . . .	153
Prisons and Other Methods of Correction . . . . .	154

# Contents

Professions and Occupations .....	155
Property and Conveyances .....	164
Public Service Companies .....	168
Religious and Charitable Matters; Cemeteries .....	172
Taxation .....	173
Trade and Commerce .....	190
Unemployment Compensation .....	193
Virginia Energy Plan .....	193
Waters of the State, Ports and Harbors .....	194
Welfare (Social Services) .....	197
Wills, Trusts, and Fiduciaries .....	202
Workers' Compensation .....	203
 <b>Miscellaneous Bills and Resolutions</b>	
Constitutional Amendments .....	205
Other Resolutions .....	209
Miscellaneous (Including Budget and Bonds) .....	211
Charters .....	212
Study Resolutions .....	213
 Appendix A: Session Statistics .....	
Appendix B: Session Highlights .....	219
Index of House Bills .....	221
Index of Senate Bills .....	233
	241

# Introduction

This publication presents a summary of legislation considered by the Virginia General Assembly at its 2016 Regular Session through adjournment *sine die* on **March 11, 2016**. Detailed information on any piece of legislation in Virginia may be found on the Virginia Legislative Information System (<http://lis.virginia.gov>).

Bill summaries are organized by alphabetical subject areas that correspond to titles in the Code of Virginia. Bills that affect more than one Code title have been placed under the dominant subject area of the legislation. Bills that do not amend the Code of Virginia are also listed under the subject headings.

Within each subject heading, the bills are further differentiated as *Passed*, *Failed*, or *Carried Over*. Passed bills are subject to review and veto by the Governor; thus, some of the bills listed as passed in this volume may be amended and some may not become law. The General Assembly sometimes incorporates provisions from one bill into another bill, so even if a bill has failed, one or more of its provisions may exist in legislation that has been passed.

Five special categories of legislation follow the bills listed by subject area: constitutional amendment resolutions, other resolutions, miscellaneous noncodified bills (including the budget and bonds), charter bills, and study resolutions.





## Administration of Government

### Passed

**HB145 Virginia Public Procurement Act; public works contracts; prevailing wage provisions.** Prohibits state agencies from requiring bidders, offerors, contractors, or sub-contractors to pay, or require the payment of, wages, salaries, benefits, or other remuneration to persons employed to perform services in connection with a public works project at a rate that is based on the wages and benefits prevailing for the corresponding classes of labors and mechanics employed. A corresponding prohibition is made applicable to state agencies providing grants or other financial assistance for public works projects, unless otherwise required under federal law. The measure further states that it is the policy of the Commonwealth not to implement, adopt, enforce, or require any program, policy, or provision that requires a public works contract that requires the payment of wages or other remuneration at a rate based on the prevailing wage, whether modeled on the federal Davis-Bacon Act or similar state law.

*Patron - Webert*

**HB185 Virginia Economic Development Partnership; economic development services; import from international markets.** Provides that the Virginia Economic Development Partnership may encourage the import of products and services from international markets to the Commonwealth.

*Patron - Yancey*

**HB208 Tributary plans.** Repeals provisions that prescribe the content of tributary plans as part of the tributary strategies. Tributary strategies have been replaced by Watershed Implementation Plans (WIP).

*Patron - Bulova*

**HB220 Virginia Freedom of Information Act; public access to resumes and other information related to gubernatorial appointees.** Provides that the personnel, working papers, and correspondence record exemption shall not be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor. The bill further provides that the resumes and applications for appointment submitted by persons who are appointed by the Governor shall be available to the public upon request. The bill provides that its provisions apply to persons appointed by the Governor on or after July 1, 2016. The bill contains technical amendments.

*Patron - Taylor*

**HB238 State and Local Government Conflict of Interests Act; prohibited contracts; exceptions for certain contracts entered into by an officer or employee of a soil and water conservation district.** Provides an exception to the prohibition against officers and employees having contracts with their employing agencies for contracts by an officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under the Program. Under the bill, the exception applies to contracts entered into prior to July 1, 2016.

*Patron - Lingamfelter*

**HB240 Secretary of Veterans and Defense Affairs; assistance to homeless veterans.** Requires the Secretary of Veterans and Defense Affairs to coordinate with federal, state, local, and private partners to assist homeless veterans in obtaining a state-issued identification card, in order to enable these veterans to access the available federal, state, local, and other resources they need to attain financial stability or address other issues that have adversely affected their lives.

*Patron - Lingamfelter*

**HB321 Virginia Economic Development Partnership Authority; powers; employment of attorneys.** Clarifies the authority of the Virginia Economic Development Partnership Authority to employ in-house attorneys.

*Patron - Knight*

**HB369 State Executive Council for Children's Services; state and local advisory team; membership.** Adds to the membership of the State Executive Council for Children's Services (the Council) (i) the chairman of the state and local advisory team and (ii) a representative who has previously received services through the Children's Services Act, to be appointed by the Governor with recommendations from certain entities. The bill also adds to the membership of the state and local advisory team a representative who has previously received services through the Children's Services Act, to be appointed by the Council with recommendations from certain entities.

*Patron - Bell, Richard P.*

**HB382 Control of firearms by state agencies; rights of employees.** Prohibits state agencies other than the Department of Corrections, Department of Juvenile Justice, and Virginia Port Authority and institutions of higher education from adopting any regulation or workplace rule preventing officers or employees of such agencies from storing a lawfully possessed firearm and ammunition in a locked private motor vehicle at their workplace unless the adoption of the regulation is expressly authorized by statute. The bill also provides that any such regulation or rule adopted prior to July 1, 2016, is invalid.

*Patron - Fowler*

**HB387 Secure Commonwealth Panel; membership; reporting.** Adds the Secretary of Veterans and Defense Affairs to the Secure Commonwealth Panel and changes from quarterly to annual the Panel's report to the Governor concerning the state's emergency preparedness, response, recovery, and prevention efforts. This bill is identical to SB 634.

*Patron - Lindsey*

**HB462 Administrative Process Act; contents of notices for case proceedings.** Requires the notice for either an informal conference or a formal proceeding to include contact information consisting of the name, telephone number, and government email address of the person designated by the agency to answer questions or otherwise assist a named party.

*Patron - Head*

**HB529 Treasury Board; meetings.** Changes the required number of regularly scheduled meetings of the Treasury Board from monthly to at least six times per year. The bill eliminates compensation for board members, which is defined as any amount paid in addition to reimbursement for expenses. Under the bill, board members will continue to be reimbursed for all reasonable and necessary expenses. This bill is identical to SB 351.

*Patron - Carr*

**HB534 Department of General Services; notice required before disposition of surplus real property.**

Requires the Department of General Services (the Department) to post reports from the Commonwealth's statewide electronic procurement system, known as eVA, on the Department's website. The report shall include, at a minimum, current leasing opportunities and sales of surplus real property posted on the eVA's Virginia Business Opportunities website. Such reports shall also be made available by electronic subscription.

*Patron - Kory*

**HB557 School efficiency reviews; scope and costs.** Eliminates the 25 percent match required of local school divisions that request an efficiency review from the Department of Planning and Budget. This provision was in conflict with the current appropriation act, which requires the school division to pay the entire cost of the review. The bill also revises the operational areas examined by the efficiency review and provides that an efficiency review does not constitute an academic review that may be required by the Standards of Quality. This bill is identical to SB 502.

*Patron - Orrock*

**HB578 Virginia Public Procurement Act; Request for Proposal for architectural or engineering services.** Provides that in the case of the selection process for a Request for Proposal for architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or applicable capital outlay standards, until after the qualified offerors are ranked. This bill is identical to SB 169.

*Patron - Albo*

**HB613 Department of Rail and Public Transportation; acquisition of real estate and rights-of-way.** Authorizes the Department of Rail and Public Transportation to acquire real estate or rights-of-way for the construction of railway lines or rail or public transportation facilities or the retention of rail corridors for public purposes. The bill provides that acquisition of real property for office space or district offices remains subject to review by the Department of General Services and approval by the Governor.

*Patron - Krizek*

**HB644 Administrative Process Act; judicial review of certain regulations.** Provides that in any court action brought by a person affected by and claiming the unlawfulness of any regulation on the basis that an agency failed to follow any procedure for the promulgation or adoption of a regulation specified in the Administrative Process Act or in such agency's basic law, the burden shall be upon the party complaining of the agency action to designate and demonstrate the unlawfulness of the regulation by a preponderance of the evidence. The bill provides that if the court finds in favor of the party complaining of the agency action, the court shall declare the regulation null and void and remand the case to the agency for further proceedings.

*Patron - Leftwich*

**HB652 Declaration of neurological death.** Updates terminology related to declarations of neurological death.

*Patron - O'Bannon*

**HB778 Fraud and Abuse Whistle Blower Protection Act.** Changes the basis on which whistle blowers covered by the state grievance procedure may file a claim for reward under the Fraud and Abuse Whistle Blower Protection Act from a requirement that disclosure of information must result in a savings of at least \$10,000 to a requirement that such disclosure of information must result in a recovery of at least \$5,000.

*Patron - McQuinn*

**HB786 Virginia Public Procurement Act; awards as a result of authorized enhancement or remedial measures.** Requires any enhancement or remedial measure authorized by the Governor under subsection C of § 2.2-4310 for procurement by state agencies to include a compliance provision for the use of small, women-owned, minority-owned, and service disabled veteran-owned businesses certified by the Department of Small Business and Supplier Diversity. The bill requires that a contract be awarded in accordance with an award priority provided in such enhancement or remedial measure if such priority business participated in and met the requirements of the solicitation. If the contract cannot be awarded on this basis, the contract must be awarded to a qualified business in accordance with the next established award priority, and so on until a contract is awarded on the basis of an established priority. The bill provides that if no qualified priority businesses are participating, the procurement award may be made without regard to the enhancement or remedial measure.

*Patron - Adams*

**HB814 Secretary of the Commonwealth; powers and duties; creation of a Virginia Indian advisory board.** Authorizes the Secretary of the Commonwealth to establish a Virginia Indian advisory board to assist the Secretary in reviewing applications seeking recognition as a Virginia Indian tribe and to make recommendations to the Secretary, the Governor, and the General Assembly on such applications and other matters relating to recognition. The bill sets out the membership and powers and duties of any Virginia Indian advisory board established by the Secretary of the Commonwealth.

*Patron - Peace*

**HB817 Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments. This bill is identical to SB 494.

*Patron - LeMunyon*

**HB818 Virginia Freedom of Information Act (FOIA); designation of FOIA officer; posting of FOIA rights and responsibilities.** Requires certain local public bodies to post a FOIA rights and responsibilities document on their respective public government website. The bill also requires all state public bodies created in the executive branch of state government, including state authorities, and all local public bodies that are subject to FOIA to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a

point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of FOIA and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council.

*Patron - LeMunyon*

**[P]HB821 Fraud and Abuse Whistle Blower Protection Act; applicability to local governmental entities.** Includes local government and public school divisions under the Fraud and Abuse Whistle Blower Protection Act. Currently this Act is limited to state government and citizen whistle blowers. The bill reduces from \$10,000 to \$5,000 the threshold where the disclosure results in a savings for which a whistle blower disclosing information of wrongdoing or abuse may file a claim for reward. The bill contains technical amendments.

*Patron - LeMunyon*

**[P]HB823 Governmental agencies contracting for items listed on commercial activities list.** Provides that any state governmental agency that purchases goods or services from another governmental agency, including those found on the commercial activities list, shall place the purchase orders for such goods and services on the Department of General Services' central electronic procurement system. The bill requires institutions of higher education authorized in accordance with the Restructured Higher Education Financial and Administrative Operations Act (§ 23.38.88 et seq.) to provide government-to-government purchase order data through interface or integration with the Department of General Services' central electronic procurement system. The bill also requires the Department of General Services to publish on its central electronic procurement system website a government-to-government transaction transparency report.

*Patron - LeMunyon*

**[P]HB825 Military medical personnel; pilot program.** Directs the Department of Veterans Services, in collaboration with the Department of Health Professions, to establish a pilot program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine under the supervision of a licensed physician or podiatrist. The bill requires the Department of Veterans Services to establish general requirements for participating in the program. This bill is identical to SB 437.

*Patron - Stolle*

**[P]HB834 Virginia Growth and Opportunity Act; report.** Establishes the Virginia Growth and Opportunity Board to administer grants from the Virginia Growth and Opportunity Fund for regional economic and workforce development projects. The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. A portion of the grant funds will be awarded on a population basis and a portion on a competitive basis. This bill is identical to SB 449.

*Patron - Cox*

**[P]HB846 Virginia Collaborative Economic Development Act.** Creates the Virginia Collaborative Economic Development Performance Grant Fund. The Fund will be administered by a policy board created by legislation adopted by the 2016 Session of the General Assembly with a legisla-

tively stated purpose of promoting collaborative regional economic development and workforce development opportunities (the Go Virginia Board). If no such board is created, the Virginia Economic Development Partnership (the Partnership) will administer the Fund. Two or more localities that collaborate and adopt a collaborative economic development plan will be eligible for grants from the fund over a period of six years if the collaboration results in the location or expansion of a company in the Commonwealth that (i) creates at least 200 new jobs with average salaries at least 25 percent higher than the average wage and (ii) makes a capital investment of at least \$25 million. The company must maintain the job creation and investment for a period of three years before being eligible for the first grant payment. The total amount of the grant applied for shall not exceed the total investment of the localities in executing the collaborative economic development plan, and each annual installment of the grant may not exceed 50 percent of the total annual amount of personal income tax withheld by the certified company from the newly created jobs. Upon making a written finding of significant fiscal distress in or extraordinary economic opportunity for the participating localities, the Go Virginia Board (or the Partnership if the Board does not exist) may lower the job and capital investment requirements to no fewer than 25 new jobs and no less than \$1 million in capital investment, and may award up to 100 percent of the total investment of the localities. The grant program will sunset on July 1, 2026. This bill is identical to SB 459.

*Patron - Hugo*

**[P]HB858 Virginia International Trade Corporation.** Establishes the Virginia International Trade Corporation (the Corporation) in the executive branch of state government to promote international trade in the Commonwealth. The bill has a delayed effective date of December 1, 2016, for creation of the Corporation with its full authority beginning April 1, 2017. The bill provides for the Secretary of Commerce and Trade to provide to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance, not later than September 1, 2016, a proposed budget, a business plan, and performance metrics that address the structure and duties of and staff support for the Corporation as well as any proposed Memorandum of Agreement between the Corporation and the Virginia Economic Development Partnership Authority for the Authority to provide administrative and support services for the Corporation. The bill directs the Chairmen to provide findings and recommendations to the Secretary by December 1, 2016. The bill also directs the Secretary of Agriculture and Forestry to provide to the Chairmen, by November 1, 2017, recommendations regarding the structure and duties of and staff support for the Corporation that would enhance and accelerate export marketing services performed by the Virginia Department of Agriculture and Consumer Services, with consideration given to the possible transfer of such export marketing services into the Virginia International Trade Corporation.

*Patron - Landes*

**[P]HB907 Virginia Public Procurement Act; term contracts for architectural and engineering services; limitations.** Grants an exemption from the monetary caps for architectural and engineering services to transportation district commissions. The bill contains technical amendments.

*Patron - Minchew*

**[P]HB930 Virginia Public Procurement Act; procurement of information technology goods and services; contractor liability.** Prohibits a public body from requiring that an offeror state any exception to any liability provisions in responding to a Request for Proposal for information technology goods and services. If selected for negotiation after the proposal is submitted, the offeror must state any exception to

the liability provisions in writing at the beginning of the negotiation. This bill is a recommendation of the Joint Commission on Technology and Science. This bill is identical to SB 150.

*Patron - Davis*

**HB1013 Threat assessment teams; local school boards.** Excludes from the Virginia Freedom of Information Act any records received by the Department of Criminal Justice Services pursuant to the operation of or for the purposes of evaluating threat assessment teams and oversight committees, school safety audits, and school crisis, emergency management, and medical emergency response plans of public schools and threat assessment teams of public institutions of higher education, to the extent that such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components. The bill allows criminal record, juvenile record, and health record information to be disseminated to members of a threat assessment team established by a local school board. Current law allows only threat assessment teams established by an institution of higher education to access such information. The bill provides that no member of a threat assessment team shall redisclose any such information or use the information beyond the purpose for which the disclosure was made.

*Patron - Massie*

**HB1016 Sexual assault response teams; participants; FOIA exclusion.** Adds the Title IX coordinator; representatives from the office of student affairs, human resources, and counseling services; and a representative of campus security of any institution of higher education in the jurisdiction to the list of persons invited to participate in the annual meeting of a sexual assault response team. The bill also excludes the records of a sexual assault response team from mandatory disclosure under the Virginia Freedom of Information Act.

*Patron - Massie*

**HB1064 Duties and responsibilities of the Virginia Information Technologies Agency; reorganization and recodification.** Makes numerous technical or organizational changes to Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 related to the establishment and operation of the Virginia Information Technologies Agency (VITA). The bill does not make substantive changes to VITA's powers and duties. The bill was developed by a staff workgroup led by the Division of Legislative Services pursuant to § 1-6 of the 2015 Appropriation Act to address concerns identified in the Joint Legislative Audit and Review Commission's 2014 Report on Virginia's Information Technology Governance Structure.

*Patron - Jones*

**HB1096 Regulation of firearms by state entities.** Prohibits any state entity from adopting or enforcing any rule, regulation, policy, or administrative action governing the purchase, possession, transfer, ownership, carrying, storage, or transporting of firearms, ammunition, or components or combinations thereof unless expressly authorized by statute. The bill invalidates any such rule, regulation, policy, or administrative action adopted by a state entity prior to July 1, 2016. The bill does not prohibit a law-enforcement officer from acting within the scope of his duties, nor does it apply to the Department of Corrections, Department of Juvenile Justice, Department of State Police, Virginia National Guard, Department of Behavioral Health and Developmental Services, Department of Social Services, Virginia Port Authority, Office of the State Inspector General, Department of Forensic Science, Virginia Indigent Defense Commission, each office of an attorney for the Commonwealth, or any institution of higher education. The bill allows entities to adopt or enforce rules or regulations necessary for compliance with the Fire Prevention Code or necessary for the operation of Reserve Officer Training Corps

programs. The bill expressly authorizes the Board of Game and Inland Fisheries to create certain regulations governing the possession, carrying, transportation, and storage of firearms, ammunition, or components or combinations thereof. This bill incorporates HB 593.

*Patron - Weibert*

**HB1108 Virginia Public Procurement Act (VPPA) and contracting generally; use of experience modification factor in contracting prohibited.** Prohibits the use of any experience modification factor as a condition of any bidder's or offeror's eligibility to participate in a solicitation for construction. The bill includes the above provision for any contract or offer to contract not covered by the VPPA. The bill also provides that it applies to any offer to contract as defined in the bill, Invitation to Bid, or Request for Proposal for construction services issued on or after July 1, 2016. The bill defines "experience modification factor."

*Patron - Weibert*

**HB1135 Purchase of Virginia-grown food products by state agencies and institutions and local school divisions.** Provides for the Department of General Services to establish procurement procedures to facilitate the purchase of Virginia-grown food products by state agencies and institutions and local public school divisions to the maximum extent possible. The bill also exempts local school divisions from competitive sealed bidding under certain circumstances when procuring Virginia-grown food products for student consumption.

*Patron - Kory*

**HB1166 Virginia Public Procurement Act; small purchase procedures; transportation-related construction.** Provides that a public body may establish small purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts for transportation-related construction if the aggregate or sum of all phases is not expected to exceed \$25,000. This bill is identical to SB 362.

*Patron - Morefield*

**HB1238 Department of General Services; disposition of surplus materials; animals trained for police work.** Allows the handler last in control of an animal especially trained for police work to purchase the animal for the price of \$1. The bill also allows an immediate survivor of any full-time sworn law-enforcement officer who (i) is killed in the line of duty or (ii) dies in service and has at least 10 years of service to purchase the animal issued to the officer by the agency or institution for the price of \$1. This bill is identical to SB 38.

*Patron - Morefield*

**HB1263 Virginia Small Business Financing Authority; Small, Women-owned, and Minority-owned Business Loan Fund.** Clarifies that the Small, Women-owned, and Minority-owned Business Loan Fund is a permanent revolving loan fund, and that moneys collected as a result of loan repayments to the Fund are to be paid directly to the Virginia Small Business Financing Authority for purposes of reimbursing the Fund and extending new direct loans to eligible small, women-owned, and minority-owned businesses.

*Patron - James*

**HB1288 Department of Small Business and Supplier Diversity; certification of employment services organizations; public procurement.** Provides that for solicitations under the Virginia Public Procurement Act, each public body shall include, in addition to small, women-owned, and minority-owned businesses, employment services organizations, as defined in the bill, certified by the Department and set goals for participation of the same in procurement transactions. The bill

clarifies that the certification process conducted by the Department includes employment services organizations. Finally, the bill states that contracts and subcontracts awarded to employment services organizations shall be credited toward a contractor's small, women-owned, and minority-owned business contracting and subcontracting goals.

*Patron - Hope*

**HB1299 Purchase of flags of the United States of America and the Commonwealth of Virginia by public bodies.** Provides that whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag must be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States, if available. The bill has a delayed effective date of July 1, 2017. This bill is identical to SB 229.

*Patron - Edmunds*

**HB1318 Virginia Freedom of Information Act (FOIA); noncriminal incidents and reports.** Clarifies that the FOIA exclusion for noncriminal incidents and reports applies to any public body that engages in criminal law-enforcement activities and does not rely on the definition of "noncriminal incidents records" in § 15.2-1722 of the Code of Virginia. The bill addresses a decision of the Virginia Supreme Court in *Fitzgerald v. Loudoun County Sheriff's Office*, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15) concerning this exemption, which highlighted the need for clarification of this exemption based on the Fitzgerald holding.

*Patron - Fowler*

**HB1341 Veterans Services Foundation.** Requires the Department of Veterans Services to provide administrative and other support services to the Veterans Services Foundation (the Foundation). Current law requires the Secretary of Veterans and Defense Affairs to designate a state agency to provide such support. Existing law specifies the composition and duties of the Foundation's board of trustees but is otherwise silent on Foundation membership; the bill provides that the membership of the Foundation shall be composed of the board of trustees, supporting staff, donors, volunteers, and other interested parties.

*Patron - Freitas*

**HB1362 Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; annual filing of required disclosures; definition of gift; separate report of gifts; definition of procurement transaction; technical amendments.** Requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April and persons subject to the conflict of interests acts are required to file on or before January 15. The bill also requires the Governor, Lieutenant Governor, Attorney General, members of the Governor's Cabinet, and members of the General Assembly to file on or before May 1 a separate report of gifts received during the period beginning January 1 through adjournment sine die of the regular session of the General Assembly. Effective January 1, 2017, the bill removes from the Code the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and requires the Virginia Conflict of Interest and Ethics Advisory Council (Council) to prescribe the forms to be used to comply with disclosure requirements. The bill also makes numerous other changes related to lobbyist reporting

and the conflict of interests acts including (i) exempting from the definition of a gift any gift with a value of less than \$20; (ii) providing that the filing of a single disclosure form by a person subject to the conflict of interests acts satisfies the filing requirement for all positions or offices held or sought by such person; (iii) clarifying that lobbying disclosure forms are filed with the Council and are open to public inspection and copying in the office of the Council, and not the Secretary of the Commonwealth; (iv) clarifying that candidates for statewide office, the General Assembly, and constitutional office are required to file a statement of economic interests with the Council; (v) authorizing travel provided to facilitate attendance by a legislator at certain meetings where attendance is approved by the Chairman of the House or Senate Committee on Rules in addition to approval by either committee is not a gift; (vi) clarifying that gifts to certain members of a lobbyist's family are not considered gifts; (vii) providing that the definition of procurement transaction for purposes of the laws governing lobbyists is limited to those in which the stated or expected value of the contract is equal to \$5 million or more; (viii) providing that records relating to formal advisory opinions or informal advice of the Council shall be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act; (ix) providing that a lobbyist's principal is not required to disclose the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event; and (x) authorizes the Council to grant an extension from a filing deadline for good cause. The bill contains an emergency clause that applies to the changes described in clauses (vii) through (x). Finally, the bill requires that the Supreme Court of Virginia report to the Council by October 1, 2016, on the application of the conflict of interests acts on members of the judiciary and evaluate the feasibility of creating separate provisions that would apply to such members. This bill is identical to SB 692 and incorporates HB 779, HB 857, HB 860, HB 861, HB 862, HB 868, HB 889, HB 890, HB 891, HB 892, and HB 1361.

*Patron - Gilbert*

**SB38 Department of General Services; disposition of surplus materials; animals trained for police work.** Allows the handler last in control of an animal especially trained for police work to purchase the animal for the price of \$1. The bill also allows an immediate survivor of any full-time sworn law-enforcement officer who (i) is killed in the line of duty or (ii) dies in service and has at least 10 years of service to purchase the animal issued to the officer by the agency or institution for the price of \$1. This bill is identical to HB 1238.

*Patron - Carrico*

**SB150 Virginia Public Procurement Act; procurement of information technology goods and services; contractor liability.** Prohibits a public body from requiring that an offeror state any exception to any liability provisions in responding to a Request for Proposal for information technology goods and services. If selected for negotiation after the proposal is submitted, the offeror must state any exception to the liability provisions in writing at the beginning of the negotiation. This bill is a recommendation of the Joint Commission on Technology and Science. This bill is identical to HB 930.

*Patron - Reeves*

**SB169 Virginia Public Procurement Act; Request for Proposal for architectural or engineering services.** Provides that in the case of the selection process for a Request for Proposal for architectural or engineering services, the public body shall not request or require offerors to list any exceptions

to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or applicable capital outlay standards, until after the qualified offerors are ranked. This bill is identical to HB 578.

*Patron - Ruff*

**[P]SB179 Small Business Investment Grant Fund; administration; qualifications.** Changes the administration of the Small Business Investment Grant Fund from the Department of Small Business and Supplier Diversity to the Virginia Small Business Financing Authority. The bill also changes the eligibility of businesses to receive a grant from the fund by (i) removing the requirement that a business be certified as a small business by the Department, (ii) limiting the total grant allocation from the Fund to \$250,000 per eligible investor, and (iii) extending the period during which an eligible investor can make a qualified investment in a small business from January 1, 2015, to January 1, 2019.

*Patron - Lucas*

**[P]SB206 Administrative Process Act; ex parte communications.** Provides that, during the period that a hearing is pending, a hearing officer is prohibited from communicating with any person concerning the hearing without notice and opportunity for all parties to participate in the communication. The bill also provides that a hearing officer may communicate about a pending hearing in instances where the communication is authorized by law, involves a ministerial matter, or does not augment, diminish, or modify the evidence in the record. In addition, the bill establishes the procedures to be followed if a hearing officer makes or receives a prohibited communication and the relief that a hearing officer may provide in such instances. As introduced, the bill is the recommendation of the Administrative Law Advisory Committee and approved by the Virginia Code Commission.

*Patron - Edwards*

**[P]SB207 Administrative Process Act; reconsideration of formal hearings.** Provides a procedure for a party to file a petition for reconsideration of an agency's decision from a formal hearing under the Administrative Process Act (APA). The bill requires the agency to render a written decision on a party's timely petition for reconsideration within 30 days; the agency may deny the petition, modify the decision, or vacate the decision and set a new hearing for further proceedings. The agency shall state the reasons for its action. The bill also provides for the reconsideration of other decisions of a policy-making board of a state agency. If reconsideration is sought for the decision of a board, the board may (i) consider the petition for reconsideration at its next regularly scheduled meeting, (ii) schedule a special meeting to consider and decide upon the petition within 30 days of receipt, or (iii) delegate authority to consider the petition to either the board chairman, a subcommittee of the board, or the director of the state agency that provides administrative support to the board. The bill provides that any agency that intends to promulgate regulations that specify the scope of evidence that may be considered by such agency in support of any petition for reconsideration may promulgate emergency regulations. The bill also requires the Department of Human Resource Management to submit an annual report to the Senate Committee on General Laws and Technology and the House Committee on General Laws detailing (a) the number of employee grievance hearings held pursuant to the APA and (b) the number of decisions from such hearings that were rendered in favor of employees. As introduced, the bill is the recommendation of the Administrative Law Advisory Committee and approved by the Virginia Code Commission.

*Patron - Edwards*

**[P]SB229 Purchase of flags of the United States of America and the Commonwealth of Virginia by public bodies.** Provides that whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag must be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States, if available. The bill has a delayed effective date of July 1, 2017. This bill is identical to HB 1299.

*Patron - McEachin*

**[P]SB288 State and Local Government Conflict of Interests Act; advisory opinions for local officers and employees.** Removes the provision that allows a county, city, or town attorney to issue to a local officer or employee an advisory opinion that would shield that officer or employee from future prosecution for knowing violations of the State and Local Government Conflict of Interests Act. An advisory opinion issued by the attorney for the Commonwealth or the Virginia Conflict of Interest and Ethics Advisory Council will still shield the officer or employee from such prosecution. The bill provides that an advisory opinion issued to a local officer or employee by his county, city, or town attorney may be introduced at a trial for a knowing violation as evidence that he did not knowingly violate the Act.

*Patron - DeSteph*

**[P]SB294 Retaliatory actions by state officers and employees against persons providing testimony before a committee or subcommittee of the General Assembly.** Prohibits officers and employees of a state agency from retaliating or threatening to retaliate against a person for providing testimony before a committee or subcommittee of the General Assembly. Under the bill, an intentional violation by an officer or employee of a state agency constitutes malfeasance in office. The bill also provides that any person who believes that he is the subject of retaliatory action may file a complaint with the Office of the Inspector General and expands the authority of the Office to include receiving and investigating such complaints.

*Patron - DeSteph*

**[P]SB337 Department of Veterans Services; Virginia War Memorial Division; names and homes of record designation for Virginians "Killed in Action."** Clarifies that Virginians Killed in Action as a result of military operations against terrorism in a U.S. Department of Defense designated combat zone under honorable conditions shall be included on the Shrine of Memory at the Virginia War Memorial of Virginians. The bill also requires the names and homes of record designation of all Virginians killed in action as a result of military operations against terrorism be placed on the Virginia War Memorial within one year of the date of death.

*Patron - Miller*

**[P]SB351 Treasury Board; meetings.** Changes the required number of regularly scheduled meetings of the Treasury Board from monthly to at least six times per year. The bill eliminates compensation for board members, which is defined as any amount paid in addition to reimbursement for expenses. Under the bill, board members will continue to be reimbursed for all reasonable and necessary expenses. This bill is identical to HB 529.

*Patron - Deeds*

**[P]SB362 Virginia Public Procurement Act; small purchase procedures; transportation-related construction.** Provides that a public body may establish purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts for transportation-related construc-

tion if the aggregate or sum of all phases is not expected to exceed \$25,000. This bill is identical to HB 1166.

*Patron - Chafin*

**SB364 Local option health insurance plan.** Allows the Department of Human Resource Management to develop a plan under the local option health insurance plan with benefits similar to those in the state employee health insurance plan and that uses a single rating group. This bill incorporates SB 384.

*Patron - Chafin*

**SB418 Virginia Public Procurement Act; cooperative procurement; installation of artificial turf or other athletic surfaces.** Excludes the purchase of installation of artificial turf or other athletic surfaces and all associated and necessary construction from the prohibition on using cooperative procurement to purchase construction.

*Patron - Vogel*

**SB437 Military medical personnel; pilot program.** Directs the Department of Veterans Services, in collaboration with the Department of Health Professions, to establish a pilot program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine under the supervision of a licensed physician or podiatrist. The bill requires the Department of Veterans Services to establish general requirements for participating in the program. This bill is identical to HB825.

*Patron - Barker*

**SB449 Virginia Growth and Opportunity Act; report.** Establishes the Virginia Growth and Opportunity Board to administer grants from the Virginia Growth and Opportunity Fund for regional economic and workforce development projects. The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. A portion of the grant funds will be awarded on a population basis and a portion on a competitive basis. This bill is identical to HB 834.

*Patron - Norment*

**SB459 Virginia Collaborative Economic Development Act.** Creates the Virginia Collaborative Economic Development Performance Grant Fund. The Fund will be administered by a policy board created by legislation adopted by the 2016 Session of the General Assembly with a legislatively stated purpose of promoting collaborative regional economic development and workforce development opportunities (the Go Virginia Board). If no such board is created, the Virginia Economic Development Partnership (the Partnership) will administer the Fund. Two or more localities that collaborate and adopt a collaborative economic development plan will be eligible for grants from the fund over a period of six years if the collaboration results in the location or expansion of a company in the Commonwealth that (i) creates at least 200 new jobs with average salaries at least 25 percent higher than the average wage and (ii) makes a capital investment of at least \$25 million. The company must maintain the job creation and investment for a period of three years before being eligible for the first grant payment. The total amount of the grant applied for shall not exceed the total investment of the localities in executing the collaborative economic development plan, and each annual installment of the grant may not exceed 50 percent of the total annual amount of personal income tax withheld by the certified company from the newly created jobs. Upon making a written finding of significant fiscal distress in or extraordinary

economic opportunity for the participating localities, the Go Virginia Board (or the Partnership if the Board does not exist) may lower the job and capital investment requirements to no fewer than 25 new jobs and no less than \$1 million in capital investment, and may award up to 100 percent of the total investment of the localities. The grant program will sunset on July 1, 2026. This bill is identical to HB 846.

*Patron - Ruff*

**SB493 Virginia Freedom of Information Act (FOIA); closed meeting not authorized for discussion of compensation matters for local governing bodies and elected school boards.** Clarifies that nothing in the personnel exemption in the open meetings law of FOIA shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

*Patron - Surovell*

**SB494 Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments. This bill is identical to HB 817.

*Patron - Surovell*

**SB502 School efficiency reviews; scope and costs.** Eliminates the 25 percent match required of local school divisions that request an efficiency review from the Department of Planning and Budget. This provision was in conflict with the current appropriation act, which requires the school division to pay the entire cost of the review. The bill also revises the operational areas examined by the efficiency review and provides that an efficiency review does not constitute an academic review that may be required by the Standards of Quality. This bill is identical to HB 557.

*Patron - Locke*

**SB517 Utilization of service disabled veteran businesses by state agencies.** Requires every state agency to include as a component of any small business enhancement measure implemented by the Governor pursuant to subsection C of § 2.2-4310 of the Code of Virginia a requirement for a minimum of five percent utilization of service disabled veteran businesses as defined in § 2.2-2001 of the Code of Virginia.

*Patron - McPike*



**SB634 Secure Commonwealth Panel; membership; reporting.** Adds the Secretary of Veterans and Defense Affairs to the Secure Commonwealth Panel and changes from quarterly to annual the Panel's report to the Governor concerning the state's emergency preparedness, response, recovery, and prevention efforts. This bill is identical to HB 387.

*Patron - McPike*

**SB645 Virginia Freedom of Information Act (FOIA); exempt records concerning critical infrastructure, government infrastructure, or security information.** Defines the terms "critical infrastructure," "government infrastructure," "interdependency," and "security information" for purposes of FOIA and revises the related FOIA public safety record exemption to incorporate those terms. The bill also sets out conditions precedent in cases where a custodian of any public safety records elects to exercise his discretion to release such records. The bill contains technical amendments.

*Patron - McPike*

**SB652 State and Local Government Conflict of Interest Act; prohibited contracts; exceptions for certain contracts entered into by an officer or employee of a soil and water conservation district.** Provides an exception to the prohibition against officers and employees having contracts with their employing agencies for contracts by an officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under the Program. Under the bill, the exception applies to contracts entered into prior to July 1, 2016. This bill incorporates SB 708.

*Patron - Lewis*

**SB679 Department of General Services; dashboard compilation of data derived from enhancement or remedial measures implemented by the Governor.** Requires the Department of General Services to make available a dashboard compilation of purchase order reports from the Commonwealth's statewide electronic procurement system consisting of aggregated data showing (i) current fiscal year purchase orders, (ii) purchase orders from the previous fiscal year, and (iii) other relevant data derived from any enhancement or remedial measure implemented by the Governor pursuant to subsection C of § 2.2-4310 of the Code of Virginia.

*Patron - Dunnivant*

**SB692 Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; annual filing of required disclosures; definition of gift; separate report of gifts; definition of procurement transaction; technical amendments.** Requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April and persons subject to the conflict of interests acts are required to file on or before January 15. The bill also requires the Governor, Lieutenant Governor, Attorney General, members of the Governor's Cabinet, and members of the General Assembly to file on or before May 1 a separate report of gifts received during the period beginning January 1 through adjournment sine die of the regular session of the General Assembly. Effective January 1, 2017, the bill removes from the Code the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and requires the Virginia Conflict of Interest and Ethics Advisory Council (Council) to prescribe the forms to be used to comply with disclosure requirements. The bill also makes numerous other changes related to lobbyist reporting

and the conflict of interests acts including (i) exempting from the definition of a gift any gift with a value of less than \$20; (ii) providing that the filing of a single disclosure form by a person subject to the conflict of interests acts satisfies the filing requirement for all positions or offices held or sought by such person; (iii) clarifying that lobbying disclosure forms are filed with the Council and are open to public inspection and copying in the office of the Council, and not the Secretary of the Commonwealth; (iv) clarifying that candidates for statewide office, the General Assembly, and constitutional office are required to file a statement of economic interests with the Council; (v) authorizing travel provided to facilitate attendance by a legislator at certain meetings where attendance is approved by the Chairman of the House or Senate Committee on Rules in addition to approval by either committee is not a gift; (vi) clarifying that gifts to certain members of a lobbyist's family are not considered gifts; (vii) providing that the definition of procurement transaction for purposes of the laws governing lobbyists is limited to those in which the stated or expected value of the contract is equal to \$5 million or more; (viii) providing that records relating to formal advisory opinions or informal advice of the Council shall be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act; (ix) providing that a lobbyist's principal is not required to disclose the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event; and (x) authorizes the Council to grant an extension from a filing deadline for good cause. The bill contains an emergency clause that applies to the changes described in clauses (vii) through (x). Finally, the bill requires that the Supreme Court of Virginia report to the Council by October 1, 2016, on the application of the conflict of interests acts on members of the judiciary and evaluate the feasibility of creating separate provisions that would apply to such member. This bill is identical to HB 1362 and incorporates SB 213, SB 304, SB 657, and SB 738.

*Patron - Norment*

**SB727 Virginia Freedom of Information Act; public access to noncriminal records.** Clarifies public access to noncriminal records maintained by public bodies engaged in criminal law-enforcement activities. The bill reverses an April 2015 Virginia Supreme Court decision in *Fitzgerald v. Loudoun County Sheriff's Office*, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15) concerning this exemption, which highlighted the need for clarification of this exemption based on the *Fitzgerald* holding. This bill incorporates SB 676.

*Patron - McDougle*

**SB750 Commonwealth's Development Opportunity Fund; political contributions; reporting.** Requires the Virginia Economic Development Partnership (VEDP) to provide to the Governor, his campaign committee, and his political action committee a quarterly report listing all businesses that received awards from the Commonwealth's Development Opportunity Fund (the Fund) in the previous quarter. The bill also requires the Governor, his campaign committee, and his political action committee receiving the reports to submit, within 18 months of the date of each award from the Fund, a report to the Virginia Conflict of Interest and Ethics Advisory Council containing any contributions greater than \$100 that were received from such businesses between the time the application was made to the Fund through the one-year period after the business received a grant or loan from the Fund. The



reporting requirements of the bill replace a provision prohibiting any person or entity submitting an application for an award from the Fund from making a contribution to the Governor or to the Governor's campaign committee or political action committee during the time the application is pending and in the one-year period following the award from the Fund.

*Patron - Norment*

## Failed

**[F]HB61 Virginia Freedom of Information Act; misdemeanor violations; penalty.** Provides that in addition to the civil enforcement provisions of the Virginia Freedom of Information Act (FOIA), any officer, employee, or member of a public body who, without legal excuse or justification, deliberately, willfully, and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor.

*Patron - Morris*

**[F]HB77 Sex or gender discrimination; applicable federal law.** Provides that for the purposes of the Virginia Human Rights Act, an "unlawful discriminatory practice" shall not include conduct that violates any federal administrative policy, rule, or regulation adopted on or after January 1, 2012.

*Patron - Marshall, R.G.*

**[F]HB83 Federal firearms laws; enforcement.** Provides that agencies and political subdivisions of the Commonwealth, and employees thereof, shall not knowingly aid any employee or entity of the federal government (i) in the enforcement of federal firearms laws that take effect on or after December 1, 2015, or (ii) in the conduct or enforcement of a criminal background check related to any intrastate sale, loan, gift, or other transfer of a firearm between citizens of the Commonwealth.

*Patron - Marshall, R.G.*

**[F]HB132 Risk management plan; coverage for injury or death on state property; concealed handgun prohibition.** Provides that the risk management plan established by the Division of Risk Management shall include coverage for any claim made by or on behalf of a person possessing a valid concealed handgun permit who is injured or killed upon any buildings, grounds, or properties owned or leased by the Commonwealth as a result of the criminal act of a third party if the carrying of a concealed handgun on such buildings, grounds, or properties was prohibited by regulation. The bill also provides that, in addition to providing for the actual damages arising from the person's injury or death, the coverage shall include an additional amount of \$350,000.

*Patron - Marshall, R.G.*

**[F]HB133 Risk management plan; coverage for injury or death on college property; concealed handgun prohibition.** Provides that the risk management plan established by the Division of Risk Management shall include coverage for any claim made by or on behalf of a person possessing a valid concealed handgun permit who is injured or killed upon any buildings, grounds, or properties owned or leased by a public institution of higher education as a result of the criminal act of a third party if the carrying of a concealed handgun on such buildings, grounds, or properties was prohibited by regulation. The bill also provides that, in addition to providing for the actual damages arising from the person's injury or death, the coverage shall include an additional amount of \$350,000.

*Patron - Marshall, R.G.*

**[F]HB139 Virginia Human Rights Act; pregnancy, childbirth, or related medical conditions; causes of action.**

Provides that no employer may discharge any employee on the basis of pregnancy, childbirth, or related medical conditions, including lactation. Currently, the protection against discrimination on the basis of pregnancy, childbirth, or related medical conditions applies to an employer employing more than five but fewer than 15 persons.

*Patron - McQuinn*

**[F]HB141 Government Data Collection and Dissemination Practices Act; license plate readers.** Codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act by limiting the ability of law-enforcement and regulatory agencies to use license plate readers to collect and maintain personal information on individuals where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individuals. The bill provides that information collected by a license plate reader without a warrant shall only be retained for seven days and shall only be used for the investigation of a crime or a report of a missing person. The bill also prohibits an agency from acquiring personal information collected from license plate readers from a third-party private vendor if the agency would not have been permitted to collect or retain the information on its own.

*Patron - Marshall, R.G.*

**[F]HB144 Special days; Indigenous Peoples Day.** Designates Indigenous Peoples Day to be observed on the third Wednesday in November in each year as a special day to honor the great leaders of indigenous peoples who contributed to the history of the Commonwealth.

*Patron - Krizek*

**[F]HB154 State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act; bundled gifts; penalty.** Provides that the aggregated value of a bundled gift is subject to the \$100 limitation on certain gifts and is to be attributed to each person contributing to the bundled gift. The bill also requires lobbyists to disclose any gift or entertainment event with a value greater than \$50 to which the lobbyist or lobbyist's principal contributed, regardless of the value of the lobbyist's or principal's share. The bill defines a bundled gift to mean separate gifts that are paid for or otherwise provided by multiple sources but delivered to the recipient by a single source.

*Patron - Simon*

**[F]HB179 Virginia Human Rights Act; prohibited discrimination in employment.** Prohibits discrimination in private or public employment based on sexual orientation or status as a veteran. Under the Virginia Human Rights Act, such discrimination is actionable if the violating employer has between five and 15 employees. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" does not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill also conforms various provisions prohibiting discrimination in public employment based on race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or veteran status. The bill contains technical amendments.

*Patron - Kory*

**[F]HB280 Site plans; submission for approval by local planning commission; Freedom of Information Act.** Provides that any proposed plat, site plan, or plan of development that is officially submitted to the local planning commission

for approval shall be considered a public record subject to disclosure under the Virginia Freedom of Information Act.

*Patron - Marshall, R.G.*

**[F]HB281 FOIA; exclusion pursuant to nondisclosure agreement; building permits.** Removes any building permit submitted to a locality for final approval from an exclusion from the provisions of the Freedom of Information Act (FOIA) that otherwise protects confidential proprietary records of a private business pursuant to a nondisclosure agreement made with a public body.

*Patron - Marshall, R.G.*

**[F]HB282 FOIA; exclusion pursuant to nondisclosure agreement.** Requires that a nondisclosure agreement by a public body be approved at an open meeting if it is to serve as the basis for an exclusion from the provisions of the Freedom of Information Act (FOIA) of confidential proprietary records of a private business. Such an approval must be renewed at least every three months at further open meetings if it is to continue to supply the basis for the FOIA exclusion.

*Patron - Marshall, R.G.*

**[F]HB308 Virginia Freedom of Information Act; use of government email accounts required.** Requires that any person elected, reelected, appointed or reappointed to any public body not excepted from FOIA must use only official government-provided email accounts to conduct public business. The bill also provides that public officers, appointees, and employees shall use only official government-provided email accounts to conduct public business. However, if a public officer, appointee, or employee inadvertently uses a nongovernment email account to conduct public business, then the email and email address shall be forwarded to the appropriate official for retention as designated by the public body. The bill contains a technical amendment.

*Patron - Morris*

**[F]HB334 Virginia Freedom of Information Act; proceeding for enforcement.** Provides that in an enforcement action, if the court finds the public body violated certain meeting notice requirements, the court may invalidate any action of the public body taken at such meeting.

*Patron - Pogge*

**[F]HB336 Virginia Freedom of Information Act; public access to library records of minors.** Protects from mandatory disclosure library records that can be used to identify any library patron under the age of 18 years. The bill provides that access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of persons under the age of 18 years who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person under the age of 18 years who is the subject of the record may waive, in writing, the protections afforded by the bill. If the protections are so waived, the public body shall open such records for inspection and copying.

*Patron - Pogge*

**[F]HB429 Virginia Human Rights Act; public employment; prohibited discrimination; sexual orientation.** Prohibits discrimination in employment on the basis of sexual orientation. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" does not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill also codifies existing

prohibited discrimination in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. The bill contains technical amendments.

*Patron - Villanueva*

**[F]HB432 Virginia Freedom of Information Act; public access to certain criminal investigative files.** Limits the application of the exemption for criminal investigative files to active criminal investigative files. As a result, closed or inactive criminal investigative files would be subject to mandatory disclosure, if requested.

*Patron - Villanueva*

**[F]HB449 Virginia Public Procurement Act (VPPA); procurement of construction by certain localities using competitive negotiation.** Authorizes any locality with a population in excess of 200,000 to enter into contracts using competitive negotiation for non-transportation-related construction valued at more than \$500,000 but less than \$2 million, provided such locality uses procedures consistent with the VPPA for the procurement of nonprofessional services.

*Patron - Taylor*

**[F]HB494 Assisting federal government with resettling of certain refugees.** Provides that no agency of the Commonwealth, political subdivision of the Commonwealth, officer or employee of either acting in his official capacity, or member of the Virginia National Guard or Virginia Defense Force, when such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty, shall knowingly aid, participate with, or otherwise provide any assistance to (i) any agency, department, or other instrumentality of the federal government, or any employee or officer thereof, with the resettlement in the Commonwealth of any refugee from Iraq or Syria or (ii) any such refugee who has been resettled in the Commonwealth on or after January 1, 2016. The bill allows such aid, participation, or assistance if (a) the refugee has been subjected to thorough background investigations sufficient to determine whether the refugee is a threat to the security of the United States conducted by the Secretary of the U.S. Department of Homeland Security (DHS) and the Director of the Federal Bureau of Investigation (FBI) and (b) the Secretary of the DHS, with the concurrence of the Director of the FBI and the Director of National Intelligence, has certified that the refugee is not a threat to the security of the United States.

*Patron - Marshall, R.G.*

**[F]HB509 Security of government information; creation of the position of Chief Information Security Officer.** Creates the position of the Chief Information Security Officer of the Commonwealth (CISO). The full-time, classified position is appointed by the Governor and reports to the Chief Information Officer of the Commonwealth. The CISO is responsible for the security of government information and applications in the Commonwealth, including assessing security risks, adopting security measures, and overseeing regular audits of government-held electronic information.

*Patron - Boysko*

**[F]HB530 Public employment; inquiries by state agencies and localities regarding criminal convictions, charges, and arrests.** Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective

employee has a conviction record that directly relates to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted directly relates to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies or certain positions designated as sensitive or in instances where a state agency is expressly permitted to inquire into an individual's criminal history for employment purposes pursuant to any provision of federal or state law. The bill also authorizes localities to prohibit such inquiries.

*Patron - Carr*

**HB593 Department of General Services; regulation of firearms.** Provides that, unless expressly authorized by statute, the Department of General Services shall not adopt or enforce any rule, regulation, or policy precluding the possession of a concealed handgun by a person with a valid concealed handgun permit. The bill likewise provides that no department, agency, or institution of the Commonwealth occupying property in the charge of the Department's Division of Engineering and Buildings shall adopt any similar prohibition. Finally, the bill invalidates the provisions of Executive Order 50, which prohibits the carrying of firearms in buildings occupied by executive branch agencies, and any regulations adopted to implement Executive Order 50. This bill was incorporated into HB 1096.

*Patron - Marshall, R.G.*

**HB603 Veterans Services Foundation.** Requires the Department of Veterans Services to provide administrative and other support services to the Veterans Services Foundation (the Foundation). Current law requires the Secretary of Veterans and Defense Affairs to designate a state agency to provide such support. Existing law specifies the composition and duties of the Foundation's board of trustees but is otherwise silent on Foundation membership; the bill provides that the membership of the Foundation shall be composed of the board of trustees, supporting staff, donors, volunteers, and other interested parties.

*Patron - Bell, John J.*

**HB663 Use of restroom facilities; penalty.** Requires the Director of the Department of General Services and local school boards to develop and implement policies that require, respectively, that every restroom designated for public use in any public building on property that is owned, leased, or controlled by the Commonwealth and every public school restroom, locker room, and shower room that is designated for use by a specific gender to solely be used by individuals whose anatomical sex matches such gender designation. Such policies may also provide that a student may, upon request, be granted access, to the extent reasonable, to a single stall restroom or shower, a unisex bathroom, or controlled individual use of a restroom, locker room, or shower. The bill defines "anatomical sex" and provides a civil penalty for a willful and knowing violation.

*Patron - Cole*

**HB698 Virginia Freedom of Information Act; right to speak at open meetings.** Requires that every public body afford an opportunity for public comment during any open meeting. A public body may adopt reasonable rules governing the public comment portion of the meeting, including imposing

reasonable restrictions on time, place, and manner. The bill contains technical amendments.

*Patron - Kory*

**HB739 Virginia Flooding Adaptation Office.** Directs the Secretary of Public Safety and Homeland Security to establish the Virginia Flooding Adaptation Office and designate a Chief Resiliency Officer to oversee the operations of such office. The Chief Resiliency Officer, who shall hold no other position, shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience, sea-level rise, and flooding.

*Patron - Stolle*

**HB757 Meetings of local or regional public bodies; public comment.** Requires a local or regional public body to disseminate to the public an agenda for a public meeting at least seven days prior to the meeting or 24 hours prior to an emergency meeting. The bill also requires such body to provide at least five minutes for public comment on each agenda item at the public meeting.

*Patron - Bell, Robert B.*

**HB779 State and Local Government Conflict of Interests Act; required filings for multiple positions or offices.** Provides that the filing of a single current statement of economic interests by an individual required to file such form shall satisfy the filing requirement for all positions or offices held or sought by such individual during a single reporting period. Additionally, the filing of a single current financial disclosure statement by an individual required to file such form shall satisfy the filing requirement for all positions or offices held or sought by such individual. Currently, this exemption for duplicative filing applies only to state officers and employees holding or seeking multiple state positions or offices. This bill was incorporated into HB 1362.

*Patron - Gilbert*

**HB780 Virginia Conflict of Interest and Ethics Advisory Council.** Makes technical amendments to reflect the change in filing cycles and the role of the Council in receiving certain disclosures and to clarify the time period for aggregation for purposes of the prohibited gift cap.

*Patron - Gilbert*

**HB781 Use of restroom facilities; penalty.** Requires the Director of the Department of General Services and local school board to develop and implement policies that require, respectively, that every restroom designated for public use in any public building on property that is owned, leased, or controlled by the Commonwealth and every public school restroom, locker room, and shower room designated for student use and accessible by multiple students at the same time be designated for and only used by males or designated for and only used by females on the basis of their biological sex. The bill defines "biological sex" and provides a civil penalty for a willful and knowing violation.

*Patron - Cole*

**HB800 Virginia Freedom of Information Act (FOIA); audio recording of closed meetings required.** Provides that a public body shall (i) make an audio recording of the entirety of every meeting that is closed to the public; (ii) use a means of recording that fully captures and can clearly reproduce all statements made during a closed meeting; and (iii) preserve the recording for a period of no less than two years. The bill provides that a recording made shall not be subject to the disclosure provisions of FOIA, but its production

may be compelled, and the recording used as evidence, in a proceeding to enforce the provisions of FOIA.

*Patron - Morris*

**[F]HB805 Virginia High-Demand Occupation Forecast Advisory Committee; annual high-demand occupations forecast report.** Creates the Virginia High-Demand Occupation Forecast Advisory Committee (the Committee) to compile and disseminate official information on the workforce needs of current, new, and emerging industries in the Commonwealth. The bill also provides for the Employment Information Services Division of the Virginia Employment Commission, in collaboration with the Committee, to produce an annual high-demand occupations forecast report by January 1 of each year.

*Patron - Marshall, D.W.*

**[F]HB808 Light-emitting diode (LED) use on outdoor lighting fixtures.** Requires any governmental agency that installs, replaces, or maintains an outdoor lighting fixture to use LEDs instead of traditional incandescent lighting when installing new outdoor lighting fixtures or replacing nonfunctioning bulbs on existing outdoor lighting fixtures. The bill also provides for the Department of General Services to include the requirement for the use of LED outdoor lighting fixtures in the agency's purchasing regulations.

*Patron - Bell, John J.*

**[F]HB819 Virginia Freedom of Information Act; public access to certain audio and video recordings.** Requires the release of any audio or video recording or combination thereof made by a correctional officer, jail officer, or deputy sheriff of an individual imprisoned in a penal institution in the Commonwealth being subdued by the correctional officer, jail officer, or deputy sheriff in a manner that results in the death of the individual being subdued or rendering him unconscious. The bill defines "correctional officer," "jail officer," and "deputy sheriff." The requirement applies to any audio or video recording that exists on or after July 1, 2016, regardless of when the audio or video recording was made. The bill contains a technical amendment.

*Patron - LeMunyon*

**[F]HB848 Health insurance for local employees.** Allows localities and local school boards to elect to have their employees participate in the state employee health insurance plan. The bill directs the Department of Human Resource Management to adopt regulations implementing the provisions of this bill by January 1, 2017.

*Patron - Cline*

**[F]HB852 Assisting federal government with resettling of certain refugees.** Provides that no agency of the Commonwealth, political subdivision of the Commonwealth, officer or employee of either acting in his official capacity, or member of the Virginia National Guard or Virginia Defense Force, when such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty, shall knowingly aid, participate with, or otherwise provide any assistance to (i) any agency, department, or other instrumentality of the federal government, or any employee or officer thereof, with the resettlement in the Commonwealth of any refugee from any country that has been designated a state sponsor of terrorism by the U.S. State Department or (ii) any such refugee who has been resettled in the Commonwealth on or after January 1, 2016. The bill contains an emergency clause and has an expiration date of July 1, 2018.

*Patron - Hugo*

**[F]HB857 Lobbyist disclosure; definition of gift; technical amendment.** Clarifies that gifts to certain members of an

individual's family are not considered gifts. Currently, the definition of gift says that gifts from certain members of an individual's family are not considered gifts. This bill was incorporated into HB 1362.

*Patron - McClellan*

**[F]HB862 State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests Act; prohibited gifts; technical amendment.** Clarifies that for purposes of the gift limitations, gifts shall be aggregated by reporting year, defined as the period beginning November 1 and ending October 31. Current law requires aggregation of gifts by calendar year. This bill was incorporated into HB 1362.

*Patron - McClellan*

**[F]HB867 Freedom of Information Act; exemption related to disclosures; technical amendment.** Corrects the exemption from mandatory disclosure under the Freedom of Information Act for records related to the disclosure statements filed by members of the General Assembly by identifying such member disclosure statements as semiannual, not annual.

*Patron - Gilbert*

**[F]HB868 Lobbyist disclosure; definition of procurement transaction.** Provides that for purposes of the laws governing lobbyists and lobbyist disclosure, the definition of procurement transaction is limited to those in which the stated or expected value of the contract is equal \$5 million or more. The bill contains an emergency clause. This bill was incorporated into HB 1362.

*Patron - Gilbert*

**[F]HB888 Public procurement; requirements for certain construction projects; use of construction management.** Restricts the use of construction management procurements by public bodies to contracts of \$50 million or more, provided that such contracts involve projects that, among other requirements, are (i) of substantial historical value or interest or (ii) significantly unique or extremely complex in nature. State public bodies may request a waiver from the restriction on a project-by-project basis from the Director of the Department of General Services. In the case of procurement by localities, a waiver may be granted by the local governing body. The bill defines "public body" for the purposes of the use of construction management for construction to include public institutions of higher education under the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23-38.88 et seq.) and any public body that has implemented the provisions of the Virginia Public Procurement Act pursuant to § 2.2-4302.

*Patron - Albo*

**[F]HB889 Lobbyist disclosure; filing and inspection; technical amendment.** Clarifies that lobbying disclosure reports are filed with the Virginia Conflict of Interest and Ethics Advisory Council and are open to public inspection and copying in the office of the Council. Currently, language still provides for filing and inspection of such reports with the Secretary of the Commonwealth. This bill was incorporated into HB 1362.

*Patron - Gilbert*

**[F]HB891 State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests Act; definition of gift.** Clarifies that travel provided to facilitate attendance by a legislator at certain meetings where attendance is approved by the House or Senate Committee on Rules or the Chairman of either committee is not a gift. Currently, such travel is deemed not a gift only when approved by the

House or Senate Committee on Rules. This bill was incorporated into HB 1362.

*Patron - Gilbert*

**[F]HB892 Virginia Conflict of Interest and Ethics Advisory Council; required information on disclosure forms.** Removes from the Code the formatted forms of the lobbyist disclosure statement, the Statement of Economic Interests for state and local government officers and employees and members of the General Assembly, and the financial interests form for citizen members of certain governmental boards, commissions, and councils. The Council is required to prescribe the forms to be used to comply with disclosure requirements. The bill has a delayed effective date of January 1, 2017. This bill was incorporated into HB 1362.

*Patron - Gilbert*

**[F]HB898 Administrative Process Act; contents of economic impact statements.** Requires the Department of Planning and Budget in preparing an economic impact analysis to also determine the cumulative impact of the proposed regulation, taking into account the impact of any other proposed or final regulation on the businesses or other entities to which the regulation being analyzed would apply. The bill contains technical amendments.

*Patron - Ransone*

**[F]HB902 Creation of the Commonwealth Genomics and Personalized Medicine Authority.** Creates the Commonwealth Genomics and Personalized Medicine Authority (the Authority) as a political subdivision of the Commonwealth. The Authority's purpose is to encourage coordination and collaboration between public and private entities in the Commonwealth in translational research and commercialization related to genomics and personalized medicine.

*Patron - Greason*

**[F]HB913 Prohibited discrimination in employment and housing.** Prohibits discrimination in private or public employment on the basis of sexual orientation or gender identity. The bill also adds discrimination on the basis of sexual orientation or gender identity as an unlawful discriminatory housing practice. The bill defines "sexual orientation" and "gender identity." The bill also conforms various provisions prohibiting discrimination in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.

*Patron - Toscano*

**[F]HB929 Promotion of cybersecurity in the Commonwealth.** Initiates several efforts to promote economic development, research and development, and workforce development of the cybersecurity industry in the Commonwealth. The bill creates two new matching grant funds: one administered by the Innovation and Entrepreneurship Investment Authority for private entities that collaborate with one or more public institutions of higher education on research and development related to cybersecurity and one administered by the Department of Education for public elementary and secondary schools for STEM-related programs. The bill directs the Virginia Economic Development Partnership Authority (VEDP), in consultation with the State Council of Higher Education for Virginia, to develop an online cybersecurity network. VEDP will be aided by an advisory committee consisting of representatives from higher education, the community college system, the Joint Commission on Technology and Science, and the Secretaries of Commerce and Trade, Education, and Technology. Finally, the bill directs the Secretary of Technology to organize and convene a Virginia Cybersecurity Conference to showcase

Virginia's leadership in the field of cybersecurity. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Davis*

**[F]HB971 Department of Small Business and Supplier Diversity; implementation of certification programs for small businesses; definition of small business; report.** Changes the definition of small business, beginning July 1, 2017, to meet the small business size standards established by the regulations of the U.S. Small Business Administration. The bill provides that any business entity that the Department of Small Business and Supplier Diversity (the Department) has certified as a small business prior to July 1, 2017, shall have such certification extended for a three-year period. The bill also provides that the Director of the Department adopt regulations that will, beginning July 1, 2017, establish a three-year certification period for small businesses to be based on the dominant business activity of each small business entity. The bill (i) includes a definition of "dominant business activity"; (ii) provides for the Department to enter into a Memorandum of Understanding with appropriate agencies establishing provisions for the sharing of information, consistent with the requirements of state and federal law; and (iii) requires the Secretary of Commerce and Trade to evaluate the effect of the implementation of the new definition at three-year intervals, reporting to the Governor and General Assembly by December 1, 2020, and December 1, 2023.

*Patron - Lopez*

**[F]HB985 Virginia Freedom of Information Act; record exclusions; rule of redaction; no weight accorded to public body's determination.** Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments.

*Patron - Yancey*

**[F]HB994 Attorney General; investigation of complaint of discrimination; authority to issue and serve subpoenas.** Empowers the Attorney General to issue and serve subpoenas to appear and testify and to produce any such records or documents to any person who may have any information that may further his investigation of a complaint alleging any unlawful discriminatory practice. In the case of a refusal or neglect to obey a subpoena, the Attorney General may petition for enforcement in the circuit court of the jurisdiction in which the respondent resides or is doing business. Under current law, the Attorney General may apply to the judge of the circuit court to issue and serve subpoenas to produce records or documents.

*Patron - Lopez*

**HB1005 Virginia Human Rights Act; public employment, public accommodation, and housing; prohibited discrimination; sexual orientation.** Prohibits discrimination in employment and public accommodation on the basis of sexual orientation. The bill defines "sexual orientation" as a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. The bill expressly provides that "sexual orientation" does not include any person's attraction toward persons with whom sexual conduct would be illegal due to the age of the parties. The bill also codifies existing prohibited discrimination in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. The bill also adds discrimination based on sexual orientation or gender identity as an unlawful discriminatory housing practice. The bill contains technical amendments.

*Patron - Levine*

**HB1048 Chief Resiliency Officer. Directs the Secretary of Public Safety and Homeland Security to designate a Chief Resiliency Officer.** The Chief Resiliency Officer, who shall hold no other position, shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience and recurrent flooding.

*Patron - Hodges*

**HB1092 Charitable Gaming Board; powers and duties.** Vests the Charitable Gaming Board with control of all charitable gaming in the Commonwealth and sets out the powers and duties of the Board. Currently the control of charitable gaming is vested in the Department of Agriculture and Consumer Services. The bill establishes the Charitable Gaming Fund as a special fund for the administration of charitable gaming to be used solely for administering and enforcing charitable gaming laws and Board regulations, educating charitable organizations and players, and promoting charitable gaming in Virginia. The bill also (i) authorizes the Board to investigate any gaming activity not specifically authorized by law or Board regulations, including illegal gambling as defined by § 18.2-325; (ii) authorizes the Board to enter into an agreement with the Department of State Police to provide law-enforcement officers employed by the Department to be assigned to investigate alleged violations of charitable gaming laws and illegal gambling as defined by § 18.2-325; and (iii) requires the Board to revise the fees levied by it for issuing charitable gaming permits and supplier registrations, or renewal thereof, so that the fees are sufficient to cover expenses but not excessive. The bill contains technical amendments.

*Patron - Filler-Corn*

**HB1097 Detention and removal of a citizen from the Commonwealth by the federal government.** Provides that the Secretary of Public Safety shall request from the U.S. Secretary of Defense that, when an agency of the federal government detains any citizen pursuant to 50 U.S.C. § 1541 as provided by the National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81, § 1021 [providing for detention of any person "who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks" or "who was a part of or substantially supported al-Qaeda, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces"]), the U.S. Secretary of Defense shall provide notification within 24 hours of the detention to both the Secretary of Public Safety and the chief law-enforcement officer of the locality in which the citizen is detained and

that the U.S. Secretary of Defense or his designee shall seek authorization from the chief law-enforcement officer of the locality in which the citizen is detained prior to removal of the citizen from the locality. The bill also provides that if the federal agency detaining any citizen pursuant to the National Defense Authorization Act fails to comply with either such request, funds appropriated for implementation or continuation of agreements entered into by cabinet secretaries shall be contingent upon authorization by an act of the General Assembly in a subsequent year. Finally, the bill authorizes the Governor to terminate any agreements with the federal government for noncompliance.

*Patron - Cline*

**HB1202 State Inspector General; lean government initiative.** Requires the State Inspector General to implement the lean government initiative. The bill defines "lean government initiative" as a business-oriented system for organizing and managing product development, operations, suppliers, and customer relations to create precise customer value, expressed as providing goods and services with higher quality and fewer defects and errors, with less human effort, less space, less capital, and less time than more traditional systems and sets out the responsibilities of the State Inspector General in its implementation among state agencies.

*Patron - Dudenhefer*

**HB1215 Health insurance for local employees.** Allows local school boards and local governing bodies to elect to have all their employees and retirees, as well as the dependents of employees and retirees, eligible to participate in the state employee health insurance plan. The local school boards and governing bodies shall be responsible for whatever portion of the cost of such insurance is not paid by the employee, except any portion that the General Assembly elects to pay. The school board and governing body of a given locality must both elect to participate in the state plan in order for their employees to participate.

*Patron - Kilgore*

**HB1218 Virginia Public Procurement Act; bid, performance, and payment bonds; waiver by localities.** Authorizes a locality to waive bid, performance, and pay bonding for non-transportation-related construction contracts between \$100,000 and \$500,000 without having to undertake a prequalification process. The bill contains technical amendments.

*Patron - Taylor*

**HB1240 Department of Veterans Services; Virginia War Memorial division; names and homes of record designation for Virginians killed during line of duty training.** Adds to the Virginia War Memorial the names of Virginians killed during line of duty training in preparation for reengagement to combat operations after having previously served in a U.S. Department of Defense designated combat zone under honorable conditions to the Virginia War Memorial.

*Patron - Ingram*

**HB1280 Virginia Public Procurement Act; competitive negotiation; professional services.** Removes the requirement for newspaper publication for Requests for Proposals for professional services.

*Patron - Albo*

**HB1338 Law-enforcement officers providing personal security for the Governor.** Prohibits any law-enforcement officer who is assigned by the law-enforcement agency employing such officer to accompany the Governor or otherwise provide for the personal security of the Governor from

carrying, possessing, or transporting a firearm (i) upon any property that is owned, leased, or otherwise controlled by the Governor, any of the Governor's Secretaries, or any executive branch agency where the carrying, possession, or transportation of a firearm upon such property by a citizen of the Commonwealth is prohibited by regulation or by a policy adopted by the Governor, any of the Governor's Secretaries, or any executive branch agency or (ii) in any state whose concealed handgun permits or licenses were granted reciprocity in Virginia prior to February 1, 2016.

*Patron - Fariss*

**[F]HB1349 Resettlement of refugees; review process.**

Provides that no agency of the Commonwealth, political subdivision of the Commonwealth, officer or employee of either acting in his official capacity, or member of the Virginia National Guard or Virginia Defense Force on official state duty, shall knowingly aid, participate with, or otherwise provide any assistance to (i) any agency, department, or other instrumentality of the federal government, or any employee or officer thereof, with the resettlement in the Commonwealth of any refugee as defined in 8 U.S.C. § 1101 or (ii) any such refugee who has been resettled in the Commonwealth on or after January 1, 2016. The bill allows such aid, participation, or assistance if the refugee has successfully completed a review process, which includes a background check by the State Police, an eligibility determination by the Governor, and compliance with a resettlement plan developed by the Department of Social Services.

*Patron - Freitas*

**[F]HB1353 Purchase of flags of the United States of America and the Commonwealth of Virginia by public bodies.** Provides that whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag must be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States. The bill has a delayed effective date of July 1, 2017.

*Patron - Bell, John J.*

**[F]HB1354 Virginia Public Procurement Act; use of best value contracting; construction and professional services.** Authorizes any public body to procure construction on a best value procurement basis using a numerical scoring system consisting of the following: (i) technical solution, 30 percent; (ii) past performance, 30 percent, including (a) price history of cost overruns, (b) schedule history of on-time delivery, and (c) contractor performance ratings from the immediately preceding five-year period; and (iii) price, 40 percent. The Request for Proposal shall contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis. The Request for Proposal shall describe (1) the criteria that will be considered in evaluating the proposals and (2) the numerical scoring system that will be used in evaluating the proposals, including identification of the factors and weight values set forth above.

*Patron - Bell, John J.*

**[F]HB1361 Lobbyist reporting; disclosure of certain persons attending entertainment events not required.** Provides that a principal is not required to disclose the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event. Reimbursement shall be calculated using the average value for each

person attending the event. The bill contains an emergency clause. This bill was incorporated into HB 1362.

*Patron - Gilbert*

**[F]HB1373 Virginia Public Procurement Act; design-build contracts; purchase of intellectual property of proposers by local public bodies.** Allows local public bodies to purchase the intellectual property or other work product of a proposer, provided that (i) the local public body makes a determination in advance and set forth in writing that it will be advantageous to purchase the intellectual property of an unsuccessful proposer, (ii) prequalification is limited to five contractors, and (iii) the Request for Proposal includes a notice that the local public body may acquire the intellectual property rights of an unsuccessful proposer.

*Patron - Davis*

**[F]SB12 Nondiscrimination in public employment.** Prohibits discrimination in public employment on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a special disabled veteran or other veteran.

*Patron - Ebbin*

**[F]SB24 Virginia Public Building Authority; Military Mission Improvement and Expansion projects.** Authorizes the Virginia Public Building Authority to finance or assist in the financing of certain activities connected with Military Mission Improvement and Expansion projects (MMIE projects), defined by the bill as a project or projects recommended by the Commission on Military Installations and Defense Activities and approved by the Governor that are designed to improve, expand, develop, or redevelop a federal or state military installation to enhance such installation's military value.

*Patron - Reeves*

**[F]SB116 Virginia-Korea Advisory Board.** Establishes the Virginia-Korea Advisory Board to advise the Governor on ways to improve mutually beneficial trade relationships between the Commonwealth and the Republic of Korea (South Korea). The Board would expire on July 1, 2019.

*Patron - Petersen*

**[F]SB202 Virginia Freedom of Information Act; disclosure of salaries of public employees.** Provides that public access to records of the official salaries or rates of pay of public employees whose annual rate of pay is the annual equivalent of twice the federal minimum wage or less is not required under FOIA. Currently, public access to salary information is required for public employees whose annual rate of pay is more than \$10,000. The bill also provides that publicly available databases of public employees' salaries shall not include the name of any public officer, appointee, or employee. The bill contains a technical amendment.

*Patron - Stuart*

**[F]SB213 State and Local Government Conflict of Interests Act, the General Assembly Conflicts of Interests Act, and the Virginia Conflict of Interest and Ethics Advisory Council; food and beverages exempt from definition of gift.** Exempts food and beverages from the definition of a gift for purposes of the gift cap and disclosure. This bill was incorporated into SB 692.

*Patron - Black*



**SB242 Charitable Gaming Board; powers and duties.** Vests the Charitable Gaming Board with control of all charitable gaming in the Commonwealth and sets out the powers and duties of the Board. Currently the control of charitable gaming is vested in the Department of Agriculture and Consumer Services. The bill establishes the Charitable Gaming Fund as a special fund for the administration of charitable gaming to be used solely for administering and enforcing charitable gaming laws and Board regulations, educating charitable organizations and players, and promoting charitable gaming in Virginia. The bill also (i) authorizes the Board to investigate any gaming activity not specifically authorized by law or Board regulations, including illegal gambling as defined by § 18.2-325; (ii) authorizes the Board to enter into an agreement with the Department of State Police to provide up to two law-enforcement officers employed by the Department to be assigned to investigate alleged violations of charitable gaming laws and illegal gambling as defined by § 18.2-325; and (iii) requires the Board to revise the fees levied by it for issuing charitable gaming permits and supplier registrations, or renewal thereof, so that the fees are sufficient to cover expenses but not excessive. The bill contains technical amendments.

*Patron - Petersen*

**SB319 Small Business Investment Grant Fund; administration; qualifications.** Changes the administration of the Small Business Investment Grant Fund from the Department of Small Business and Supplier Diversity to the Virginia Small Business Financing Authority. The bill also changes the eligibility of businesses to receive a grant from the fund by (i) removing the requirement that a business be certified as a small business by the Department, (ii) limiting the total grant allocation from the Fund to \$250,000 per eligible investor, and (iii) extending the period during which an eligible investor can make a qualified investment in a small business from January 1, 2015, to January 1, 2019.

*Patron - Lucas*

**SB335 Public employment; inquiries by state agencies and localities regarding criminal convictions, charges, and arrests.** Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that directly relates to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted directly relates to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies or certain positions designated as sensitive or in instances where a state agency is expressly permitted to inquire into an individual's criminal history for employment purposes pursuant to any provision of federal or state law. The bill also authorizes localities to prohibit such inquiries.

*Patron - Dance*

**SB359 Biennial appropriation act.** Provides that the Commonwealth's biennial appropriations shall start on July 1 of odd-numbered years beginning with the biennial appropriation

act for the period July 1, 2019, through June 30, 2021. The bill requires that the fiscal year beginning July 1, 2018, would not be a part of any biennial appropriation act (i.e., it would be a single-year transitional budget).

*Patron - McDougale*

**SB384 State health insurance program; participation by certain local school division employees.** Provides for the participation by employees of a school division in the state employee health plan. If the local school board elects to participate in the state employee health plan, it must make the election no later than January 1, 2017, with an effective date of July 1, 2017, for an initial period of three consecutive plan years, and thereafter participation shall be renewable for additional three-year terms at the option of the local school board. The bill also provides that the total cost of participation shall be paid by the local school board and the employees of the school division. This bill was incorporated into SB 364.

*Patron - Vogel*

**SB426 Virginia Community Impact Authority and Fund.** Establishes the Virginia Community Impact Authority with the authority to (i) provide grants, investments, and loans to support job training programs, health care delivery systems, and affordable housing programs and initiatives; (ii) provide start-up capital and loans to assist private enterprises; (iii) provide grants to local community impact funds; (iv) support clean and energy-efficient programs and initiatives; and (v) support other initiatives that are determined by the Authority to have a meaningful community impact. The grants, investments, and loans are to be made from the Virginia Community Impact Fund, established by the bill, which is to be funded by allocation of one percent of the total consideration paid by state public bodies in state procurement contracts valued at more than \$300,000.

*Patron - Vogel*

**SB492 Virginia Freedom of Information Act (FOIA); limitation on exemption for certain criminal investigative files.** Limits the application of the criminal investigative file exemption by providing that nothing in FOIA shall be construed to authorize the withholding of information from the records of completed unattended death investigations from immediate family members of the victim, provided that (i) such information is in a form that does not reveal the identity of persons supplying information or other individuals involved in the investigation and (ii) the immediate family members of the victim have been ruled as suspects.

*Patron - Surovell*

**SB497 Submission of executive budget; zero-based budgeting.** Requires, beginning in the 2018-2020 biennium, that "The Executive Budget" and all "Executive Budgets" shall be prepared and formulated using zero-based budgeting principles. The bill requires that such zero-based budgets reflect the amount of funding deemed necessary to achieve the most cost-effective performance of each agency or department pursuant to an accompanying narrative delineating the tasks to be performed by each agency or department, together with the goals and objectives for each agency or department. Each such budget shall have a zero dollar amount as its initial basis and shall not reflect any prior appropriation amount, adjusted or otherwise.

*Patron - Sturtevant*

**SB500 Register of funds expended; required posting by state agencies, localities, and school divisions.** Requires every locality and school division located within the locality to post on the public government website of the locality a register of all funds expended, showing vendor name, date of payment,



amount, and a description of the type of expense, including credit card purchases with the same information. The bill also provides for the Commonwealth Data Point website administered by the Auditor of Public Accounts to include the same information for each state agency and institution, including each independent agency. Currently, the website includes such information for major state agencies.

*Patron - Sturtevant*

**SB518 Virginia Public Procurement Act; local preference for businesses participating in Virginia Registered Apprenticeship program.** Authorizes a locality to give preference to the lowest responsive and responsible bidder who (i) is a resident of Virginia, (ii) participates in the Virginia Registered Apprenticeship program administered by the Virginia Department of Labor and Industry, and (iii) is within three percent of the lowest bid price.

*Patron - McPike*

**SB531 Secretary of the Commonwealth; establishment of digital document authentication standards.** Requires the Secretary of the Commonwealth to establish digital document authentication standards for use with all public records of the Commonwealth by July 1, 2017.

*Patron - Surovell*

**SB539 State and Local Government Conflict of Interests Act; members of local electoral boards and general registrars required to file semiannual disclosure.** Requires the members of local electoral boards and general registrars to file, as a condition of assuming office or employment and semiannually thereafter, the statement of economic interests disclosure prescribed by § 2.2-3117.

*Patron - Surovell*

**SB552 Virginia Freedom of Information Act; exclusion from mandatory disclosure; names and training records of law-enforcement officers and fire marshals.** Provides that the names and training records of law-enforcement officers as defined in § 9.1-101 and fire marshals as defined in § 27-30 shall be considered personnel records and excluded from mandatory disclosure under the Virginia Freedom of Information Act.

*Patron - Cosgrove*

**SB559 Governor; performance review of state departments, agencies, and programs; scope of review; report.** Directs the Governor to initiate on July 1, 2016, and every two years thereafter, an operational and programmatic performance review of all state departments, agencies, and programs. The purpose of the review is to provide an objective and independent cost savings assessment of the Commonwealth's organizational structure and its programs in order to provide information to the Governor and the General Assembly to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The bill provides that the review must be conducted by a United States-based private management consulting firm with experience in conducting statewide performance reviews and provides for certain required terms for the consulting contract. The Governor shall submit a report to the General Assembly on the results of each review by December 1 of the year in which such review is conducted.

*Patron - Sturtevant*

**SB602 Virginia Economic Development Incentive Grant Program.** Extends the award of Virginia Economic Development Incentive Grants for eligible projects on and after July 1, 2016, in the aggregate amount of not more than \$6 mil-

lion in any fiscal year and an aggregate total amount of grants outstanding of not more than \$30 million.

*Patron - Alexander*

**SB637 Virginia High-Demand Occupation Forecast Advisory Committee; annual high-demand occupations forecast report.** Creates the Virginia High-Demand Occupation Forecast Advisory Committee (the Committee) to compile and disseminate official information on the workforce needs of current, new, and emerging industries in the Commonwealth. The bill also provides for the Employment Information Services Division of the Virginia Employment Commission, in collaboration with the Committee, to produce an annual high-demand occupations forecast report by January 1 of each year.

*Patron - Ruff*

**SB657 Lobbyist reporting; disclosure of certain persons attending entertainment events prohibited.** Prohibits the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event from being disclosed by the principal if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event. Reimbursement shall be calculated using the average value for each person attending the event. This bill was incorporated into SB 692.

*Patron - Newman*

**SB662 Legal holidays; Lee-Jackson Day; Election Day.** Removes Lee-Jackson Day as a state holiday and designates Election Day in November as a state holiday.

*Patron - McEachin*

**SB675 Health insurance for local employees.** Allows local school boards and local governing bodies to elect to have all their employees and retirees, as well as the dependents of employees and retirees, eligible to participate in the state employee health insurance plan. The local school boards and governing bodies shall be responsible for whatever portion of the cost of such insurance is not paid by the employee, except any portion that the General Assembly elects to pay. The school board and governing body of a given locality must both elect to participate in the state plan in order for their employees to participate.

*Patron - Chafin*

**SB676 Virginia Freedom of Information Act (FOIA); noncriminal incidents and reports.** Clarifies that the FOIA exclusion for noncriminal incidents and reports applies to any public body that engages in criminal law-enforcement activities and does not rely on the definition of "noncriminal incidents records" in § 15.2-1722 of the Code of Virginia. The bill addresses a decision of the Virginia Supreme Court in *Fitzgerald v. Loudoun County Sheriff's Office*. This bill is incorporated into SB 727.

*Patron - Stuart*

**SB678 Virginia Freedom of Information Act (FOIA); time period for responding to requests for records.** Allows any county, city, or town with a population of less than 10,000 to have an additional 30 working days to respond to a FOIA request in cases where it is practically impossible to provide the requested records or to determine whether they are available within the initial five-work-day period. Currently, in such cases, a public body has seven additional working days to respond. The bill contains a technical amendment.

*Patron - Garrett*

**SB706 Virginia Freedom of Information Act; record exclusion for trade secrets submitted to the Department of**

**Mines, Minerals and Energy.** Excludes from the mandatory disclosure provisions of FOIA trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted to the Department of Mines, Minerals and Energy as part of the required permit or permit modification to commence ground-disturbing activities. The bill provides that in order for such trade secrets to be excluded, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

*Patron - Chafin*

**SB708 State and Local Government Conflict of Interest Act; prohibited contracts; exceptions for certain contracts entered into by an officer or employee of a soil and water conservation district.** Provides an exception to the prohibition against officers and employees having contracts with their employing agencies for contracts by an officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under the Program. Under the bill, the exception applies to contracts entered into prior to July 1, 2016. This bill was incorporated into SB 652.

*Patron - Hanger*

**SB737 Payment of public employees for time away from their official duties; employee organizations; penalty.** Prohibits public employers from paying leave or benefits to any public employee to directly or indirectly work for or on behalf of an employee organization, professional association, labor union, or labor organization. A violation is a Class 5 felony.

*Patron - Obenshain*

**SB738 Lobbyist reporting, State and Local Government Conflict of Interests Act, and General Assembly Conflicts of Interests Act; definition of gift.** Exempts gifts with a value of less than \$20 from the definition of gift. This bill was incorporated into SB 692.

*Patron - Norment*

**SB747 Promotion of cybersecurity in the Commonwealth.** Initiates several efforts to promote economic development, research and development, and workforce development of the cybersecurity industry in the Commonwealth. The bill creates two new matching grant funds: one administered by the Innovation and Entrepreneurship Investment Authority for private entities that collaborate with one or more public institutions of higher education on research and development related to cybersecurity and one administered by the Department of Education for public elementary and secondary schools for STEM-related programs. The bill directs the Virginia Economic Development Partnership Authority (VEDP), in consultation with the State Council of Higher Education for Virginia, to develop an online cybersecurity network. VEDP will be aided by an advisory committee consisting of representatives from higher education, the community college system, the Joint Commission on Technology and Science, and the Secretaries of Commerce and Trade, Education, and Technology. Finally, the bill directs the Secretary of Technology to organize and convene a Virginia Cybersecurity Conference to showcase Virginia's leadership in the field of cybersecurity. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Wagner*

## Carried Over

**HB887 Virginia Public Procurement Act; requirements for use of construction management.** Restricts the use of construction management procurements by public bodies unless (i) the total project cost is \$50 million or more, (ii) a written determination is provided stating that competitive sealed bidding is not practicable or fiscally advantageous, (iii) the contract is entered into prior to the schematic phase of design, (iv) construction management experience is not required or considered as part of the award, (v) price is the primary determining factor for award of the contract, and (vi) proposers provide for the participation of small, women-owned, and minority-owned businesses in the project. The bill provides that for projects where the total project cost is not expected to exceed \$50 million, a public body may use competitive negotiation to procure construction on a construction management basis if (i) the above requirements are met; (ii) the project is (a) of substantial historical value or interest or (b) significantly unique or extremely complex in nature; (iii) prior to any solicitation for such project, the public body notifies in writing the Director of the Department of General Services in the case of state public bodies, or the local governing body in the case of a local public body, of its intent to procure construction on a construction management basis; and (iv) the Director of the Department of General Services or the local governing body, as the case may be, makes a finding that the public body is in compliance with the requirements of this subsection, which finding shall be on a per project basis and shall be in writing. The findings for state public bodies shall be made by the Director under existing regulations and guidelines established by the Department of General Services. In addition, the bill defines "public body" for the purposes of the use of construction management for construction to include (i) public institutions of higher education that have executed a valid management agreement under the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23-38.88 et seq.) and (ii) localities and school divisions that were previously exempt based on the adoption of alternative policies and procedures based on competitive principles and generally applicable to procurement of goods and services by the locality or school division.

*Patron - Albo*

**HB1282 That the Secretary of Commerce and Trade; the Virginia-Israel Advisory Board; issues related to the Boycott, Divestment and Sanctions movement (BDS).** Requires the Secretary of Commerce and Trade shall work with the Virginia-Israel Advisory Board to implement practices that will ensure free, fair, open, and consistent business practices related to the Boycott, Divestment and Sanctions movement (BDS) and how such movement could affect existing Virginia businesses and Virginia's ability to attract new investment and jobs to the Commonwealth.

*Patron - Hugo*

**HB1332 Virginia Electronic Communications Privacy Act; report.** Prohibits a state or local government agency from taking certain actions relating to access to electronic communication information from a service provider, access to electronic device information from any person other than the authorized possessor of the device, or access to electronic device information by means of physical interaction or electronic communication with the electronic device. Exceptions allow access to electronic communication information or access to electronic device information pursuant to a warrant or wiretap order or with the consent of the authorized possessor of the device. The measure establishes requirements for a warrant

for electronic information. An agency that receives voluntarily-provided electronic communication information is required to destroy the information within 90 days, subject to certain exceptions. If an agency obtains electronic information pursuant to an emergency involving danger of death or serious physical injury to a person that requires access to the electronic information without delay, it is required within three days to file an application for a warrant or order authorizing obtaining the electronic information or a motion seeking approval of the emergency disclosures. An agency that obtains electronic communication information is required to make an annual report to the Attorney General. The Attorney General's office is required to publish on its website the individual reports from each agency that requests or compels the production of contents or records pertaining to an electronic communication or location information and a summary of such information.

*Patron - Dudenhefer*

**HB1388 Review of potential anti-competitive actions of state agencies, and promulgation of regulations.** Agency heads shall be responsible for determining if actions and decisions may have a potential adverse impact on competition, and if so, whether such actions and decisions are consistent with clearly articulated state policy.

*Patron - McClellan*

**HB1389 Virginia Freedom of Information Act; record exclusion for trade secrets submitted to the Department of Mines, Minerals and Energy.** Excludes from the mandatory disclosure provisions of FOIA trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted to the Department of Mines, Minerals and Energy as part of the required permit or permit modification to commence ground-disturbing activities. The bill provides that in order for such trade secrets to be excluded, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

*Patron - Robinson*

**SB119 Department of Small Business and Supplier Diversity; definition of small business.** Changes the definition of small business to require the business, together with affiliates, to meet the small business size standards established by the regulations of the U.S. Small Business Administration. Currently, a small business is required to have 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

*Patron - Petersen*

**SB149 Local option health insurance plan; participation of regional emergency medical services councils.** Authorizes regional emergency medical services councils to participate in the local option health insurance plan.

*Patron - Reeves*

**SB236 Government Data Collection and Dissemination Practices Act; collection and use of personal information by law-enforcement agencies.** Provides that, unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use surveillance technology to collect or maintain personal information where such data is of unknown relevance and is not intended for prompt evaluation and potential use regarding suspected criminal activity or terrorism by any individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided that such information is held for no more than seven days and is not subject to any out-

side inquiries or internal usage, except in the investigation of a crime or a missing persons report. After seven days, such collected information must be purged from the system unless it is being utilized in an ongoing investigation. The bill also adds to the definition of "personal information," for the purposes of government data collection and dissemination practices, vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place.

*Patron - Petersen*

**SB429 Creation of the Commonwealth Genomics and Personalized Medicine Authority.** Creates the Commonwealth Genomics and Personalized Medicine Authority (the Authority) as a political subdivision of the Commonwealth. The Authority's purpose is to encourage coordination and collaboration between public and private entities in the Commonwealth in translational research and commercialization related to genomics and personalized medicine.

*Patron - Saslaw*

**SB447 Office of the Attorney General; employment of special counsel.** Provides that when entering into a contract with special counsel, the Office of the Governor or Office of the Attorney General, as applicable, must make a copy of the contract available to the public on the website of the Governor or the Attorney General. However, the Attorney General may temporarily not disclose such information upon making a written determination that such action is necessary to protect attorney-client or otherwise privileged information or that immediate disclosure of the existence of special counsel, or any other sensitive information, could compromise the initiation, handling, or conclusion of any investigation or case matter handled by the Attorney General or special counsel and might put the Commonwealth and its citizens at a disadvantage. The bill also provides that prior to entering into a contract with special counsel, the Attorney General must make a written determination that the representation is both cost effective and in the public interest. In addition, the bill (i) requires the Governor and the Attorney General to submit an annual report to the General Assembly describing the use of contracts for special counsel; (ii) provides that the Attorney General, or counsel to the Governor in cases in which the Attorney General has a conflict, shall retain control over special counsel; and (iii) limits the contingency fee that may be charged by special counsel depending on the amount recovered.

*Patron - Obenshain*

**SB586 Virginia Public Procurement Act; requirements for use of construction management.** Restricts the use of construction management procurements by public bodies unless (i) the total project cost is \$50 million or more, (ii) a written determination is provided stating that competitive sealed bidding is not practicable or fiscally advantageous, (iii) the contract is entered into prior to the schematic phase of design, (iv) construction management experience is not required or considered as part of the award, (v) price is the primary determining factor for award of the contract, and (vi) proposers provide for the participation of small, women-owned, and minority-owned businesses in the project. The bill provides that for projects where the total project cost is not expected to exceed \$50 million, a public body may use competitive negotiation to procure construction on a construction management basis if (i) the above requirements are met; (ii) the project is (a) of substantial historical value or interest or (b) significantly unique or extremely complex in nature; (iii) prior to any solicitation for such project, the public body notifies in writing the Director of the Department of General Services in the case of state public bodies, or the local governing body in the case of a local public body, of its intent to procure construction on a construction management basis; and (iv) the Director

of the Department of General Services or the local governing body, as the case may be, makes a finding that the public body is in compliance with the requirements of this subsection, which finding shall be on a per project basis and shall be in writing. The findings for state public bodies shall be made by the Director under existing regulations and guidelines established by the Department of General Services. In addition, the bill defines "public body" for the purposes of the use of construction management for construction to include (i) public institutions of higher education that have executed a valid management agreement under the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23-38.88 et seq.) and (ii) localities and school divisions that were previously exempt based on the adoption of alternative policies and procedures based on competitive principles and generally applicable to procurement of goods and services by the locality or school division.

*Patron - Ruff*

**CSB599 Virginia Electronic Communications Privacy Act; report.** Prohibits a state or local government agency from taking certain actions relating to access to electronic communication information from a service provider, access to electronic device information from any person other than the authorized possessor of the device, or access to electronic device information by means of physical interaction or electronic communication with the electronic device. Exceptions allow access to electronic communication information or access to electronic device information pursuant to a warrant or wiretap order or with the consent of the authorized possessor of the device. The measure establishes requirements for a warrant for electronic information. An agency that receives voluntarily-provided electronic communication information is required to destroy the information within 90 days, subject to certain exceptions. If an agency obtains electronic information pursuant to an emergency involving danger of death or serious physical injury to a person that requires access to the electronic information without delay, it is required within three days to file an application for a warrant or order authorizing obtaining the electronic information or a motion seeking approval of the emergency disclosures. An agency that obtains electronic communication information is required to make an annual report to the Attorney General. The Attorney General's office is required to publish on its website the individual reports from each agency that requests or compels the production of contents or records pertaining to an electronic communication or location information and a summary of such information.

*Patron - Petersen*

## Agriculture, Animal Care, and Food

### Passed

**P HB20 Excise tax on peanuts.** Extends from July 1, 2016, to July 1, 2021, the sunset of the \$0.30 per 100 pounds excise tax on all peanuts grown in and sold in Virginia. The proceeds from the tax are used for promoting the sales and use of Virginia peanuts. This bill is identical to SB 1.

*Patron - Ingram*

**P HB114 Warning notice at agritourism location.** Provides the operators of agritourism locations with the option of using the terms "WARNING" or "ATTENTION" on signage or contracts that indicate the operator's immunity from liability in

the case of injury or death while at the facility. If such notice is not provided, the operator cannot invoke the immunity privilege.

*Patron - Knight*

**P HB115 Diversion of agriculture commodity funds.** Removes the authority of the General Assembly to disburse the unexpended balances in the special agriculture commodity funds for purposes other than each fund's intended purpose.

*Patron - Knight*

**P HB340 Regulations for private animal shelter.** Requires the Board of Agriculture and Consumer Services to adopt regulations that determine whether a private animal shelter meets the purpose of finding permanent adoptive homes for animals.

*Patron - Orrock*

**P HB472 Service agencies and technicians.** Requires that a weights and measures service agency include in its applications for registration or renewal proof of a uniquely identifiable security seal. The bill provides that an application for renewal of a service technician certification does not have to require a valid proof of completion of a course of training related to weights and measures unless the course is offered by the Commissioner of Agriculture in an electronic format that is available to the applicant online.

*Patron - Tyler*

**P HB476 Submission of animal intake policy.** Requires animal control officers, law-enforcement officers, humane investigators, animal shelters, humane societies, and releasing agencies to submit a copy of their intake policy to the State Veterinarian.

*Patron - Fariss*

**P HB514 Governor's Agriculture and Forestry Industries Development Fund; wild fish and shellfish.** Clarifies that commercially harvested wild fish and commercially harvested wild shellfish are included within the definition of "agricultural products." The Governor's Agriculture and Forestry Industries Development Fund provides grants or loans to expand the processing of Virginia-grown agriculture and forestry products.

*Patron - Landes*

**P HB535 Limited liability for beekeepers.** Provides that a beekeeper shall not be liable for any personal injury or property damage that occurs in connection with his keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, or appliances if he follows best management practices established in regulations adopted by the Board of Agriculture and Consumer Services. The immunity does not extend to intentional tortious conduct or acts of omissions that constitute gross negligence or negligence. The Board is directed to adopt initial regulations to be effective no later than November 1, 2016.

*Patron - Bell, Richard P.*

**P HB699 Production of industrial hemp.** Clarifies that it is lawful for a person with a license to manufacture industrial hemp products or engage in scientific, agricultural, or other research involving the applications of industrial hemp and that no person shall be prosecuted for the possession, cultivation, or manufacture of industrial hemp plant material or products. The current law authorizes the Board of Agriculture and Consumer Services to adopt regulations necessary to license persons to grow industrial hemp or administer a research program. The bill requires the Commissioner of Agriculture and Consumer

Services to establish a licensure program, with a maximum license fee of \$250. This bill is identical to SB 691.

*Patron - Pogge*

**HB734 Noxious weeds.** Establishes an advisory committee to evaluate the risks of a plant or part thereof that is being considered for designation as a noxious weed. The bill requires the advisory committee to assess the plant's (i) impact on water bodies, other plants, livestock, land, public health, the environment, and the economy and (ii) current and potential in-state commercial viability. The bill exempts from the definition of noxious weed any plant whose in-state production is commercially viable.

*Patron - Hope*

**HB903 Commonwealth Center for Recurrent Flooding Resiliency.** Designates the Commonwealth Center for Recurrent Flooding Resiliency jointly at Old Dominion University, the Virginia Institute of Marine Science, and The College of William and Mary to (i) serve, advise, and support the Commonwealth by conducting interdisciplinary studies and investigations and (ii) provide training, technical and nontechnical services, and outreach in the area of recurrent flooding and resilience research to the Commonwealth and its political subdivisions.

*Patron - Stolle*

**HB1094 Commodity boards; member nominations and terms; assessments.** Alters the member nomination process and other functions of commodity boards that deal with apples, the beef industry, eggs, the horse industry, potatoes, peanuts, and the sheep industry. The bill removes the 30-day or 90-day deadline for submission of industry nominees for a seat on certain boards, as well as any requirement that there be two or more nominations for each seat. The bill repeals certain board-specific provisions related to appointments and creates in their place general provisions, applicable to a number of boards, which provide for four-year terms for any new appointments made on and after July 1, 2016, that a majority of the board constitutes a quorum, for the election of officers, and policies establishing no compensation for attendance at meetings but reimbursement for expenses of board members.

The bill makes specific changes to individual boards, including (i) reducing the size of the Apple Board from nine to six members and adding Campbell County to the list of commercial apple-producing districts; (ii) conforming the Cotton Board assessment of 85 cents per bale to the current rate, as authorized by a 2006 referendum, of 95 cents per bale; and (iii) reducing the size of the Peanut Board from nine to eight members and removing employees of that board from eligibility for payment from the Peanut Fund.

The bill directs the Tax Commissioner, upon request, to provide to the Egg Board copies of reports of the gross volume of products handled by each handler within the industry. The bill also bars the enforcement of certain commodity board laws that are expressly preempted by a federal act or agreement. Finally, the bill suspends until July 1, 2018, the collection of the cattle assessment by the Beef Industry Council (the Council) and directs the Council to survey industry members about the Council's utility and to report its findings to the General Assembly by January 1, 2018.

*Patron - Webert*

**HB1211 Animal control officers; training.** Requires animal control officers hired on or after July 1, 2017, to complete a basic animal control course within one year after the date of hire, or within two years of the date of hire if the officer is attending a law-enforcement academy. Current law requires

completion of such training course within two years after the date of hire. This bill is identical to SB 651.

*Patron - Leftwich*

**HB1231 Dogs injuring, chasing, or killing livestock or poultry.** Allows the district court to order that any dog that has been found to have injured or killed only poultry be micro-chipped and either confined securely or transferred to another owner whom the court deems appropriate. Under current law, the court is required to order that such a dog be killed immediately or removed to another state.

*Patron - Collins*

**SB1 Excise tax on peanuts.** Extends from July 1, 2016, to July 1, 2021, the sunset of the \$0.30 per 100 pounds excise tax on all peanuts grown in and sold in Virginia. The proceeds from the tax are used for promoting the sales and use of Virginia peanuts. This bill is identical to HB 20.

*Patron - Lucas*

**SB9 Civil immunity; first responders; forcible entry of motor vehicle to remove unattended companion animal.** Provides that first responders who forcibly enter a motor vehicle to remove an unattended companion animal that is at risk of serious bodily injury or death are immune from liability for property damage to the vehicle or injury to the animal resulting from the forcible entry and removal of the animal.

*Patron - Alexander*

**SB268 Animal disease violations.** Authorizes the Board of Agriculture and Consumer Services to assess civil penalties not to exceed \$1,000 per violation in lieu of criminal penalties for violations of the laws controlling livestock and poultry diseases and shooting enclosures, with the exception of violations of regulations to prevent and control avian influenza in the live-bird marketing system, which remain subject to both criminal and existing civil penalties. The bill designates moneys generated from any such civil penalties to be deposited into the Livestock and Poultry Disease Fund (the Fund), created by the bill. Moneys in the Fund are to be disbursed to control the spread of infectious diseases among animals. The bill contains technical amendments that reorganize the penalty provisions of Chapter 60 of Title 3.2 into a single new article.

*Patron - Chafin*

**SB348 Pesticide Control Act; civil penalties; process.** Clarifies the process by which the Board of Agriculture and Consumer Services assesses a penalty for a violation of the Virginia Pesticide Control Act (VPCA), aligning the provisions of the VPCA with those of the Administrative Process Act (APA). The bill provides that a notice of an alleged violation does not constitute a case decision under the APA and gives the recipient of such notice 30 days to provide additional relevant facts. The bill preserves the recipient's rights to an informal fact-finding conference, an appeal of a final order, and other aspects of due process found in current law.

*Patron - Deeds*

**SB356 Virginia Pollinator Protection Strategy.** Directs the Department of Agriculture and Consumer Services (the Department) to develop and maintain a pollinator protection strategy (the Strategy) to promote the health of and mitigate the risks to pollinator species and ensure a robust apiary industry. The Strategy shall include a protection plan for managed pollinators that provides voluntary best management practices and supports efforts to reduce risks from pesticides, increase habitat, and take other steps to protect pollinators. The Department is directed to provide an interim report on the

Strategy by July 1, 2017, and to complete the Strategy by July 1, 2018.

*Patron - Deeds*

**[P]SB651 Animal control officers; training.** Requires animal control officers hired on or after July 1, 2017, to complete a basic animal control course within one year after the date of hire, or within two years of the date of hire if the officer is attending a law-enforcement academy. Current law requires completion of such training course within two years after the date of hire. This bill is identical to HB 1211.

*Patron - Cosgrove*

**[P]SB691 Production of industrial hemp.** Clarifies that it is lawful for a person with a license to manufacture industrial hemp products or engage in scientific, agricultural, or other research involving the applications of industrial hemp and that no person shall be prosecuted for the possession, cultivation, or manufacture of industrial hemp plant material or products. The current law authorizes the Board of Agriculture and Consumer Services to adopt regulations necessary to license persons to grow industrial hemp or administer a research program. The bill requires the Commissioner of Agriculture and Consumer Services to establish a licensure program, with a maximum license fee of \$250. This bill is identical to HB 699.

*Patron - Chafin*

## Failed

**[F]HB38 Civil immunity; forcible entry of motor vehicle to remove unattended companion animal.** Provides civil immunity to any person who forcibly enters a motor vehicle to remove an unattended companion animal that is at risk of serious bodily injury or death, provided that the person has attempted to contact a law-enforcement officer, animal control officer, or other emergency services personnel prior to such entry if feasible under the circumstances. The bill also provides immunity for acts or omissions that result in the loss of the animal by death or escape or any injury caused by the animal where such loss or injury would not have occurred but for the animal's unattended occupancy of the vehicle.

*Patron - Kory*

**[F]HB62 Exemptions from milk production requirements.** Exempts persons who own three or fewer milking cows and three or fewer goats from the oversight of the Milk Commission and the Board of Agriculture and Consumer Services' requirements governing the quality, grading, and sanitary standards for milk so long as the milk their cows or goats produce is sold directly to consumers and contains a label stating that the product has not been inspected by the state and the consumer is purchasing the product at his own risk.

*Patron - Morris*

**[F]HB156 Private animal shelter.** Clarifies that a private animal shelter is a facility that operates for the purpose of finding permanent adoptive homes for animals or for any other purpose authorized in the animal care chapter of the Code.

*Patron - Orrock*

**[F]HB211 Civil immunity; forcible entry of motor vehicle to remove unattended companion animal.** Provides civil immunity to any person who forcibly enters a motor vehicle to remove an unattended companion animal that is at risk of serious bodily injury or death, provided that the person has attempted to contact a law-enforcement officer, animal control officer, or other emergency services personnel prior to such entry if feasible under the circumstances. The bill also provides

immunity for acts or omissions that result in the loss of the animal by death or escape or any injury caused by the animal where such loss or injury would not have occurred but for the animal's unattended occupancy of the vehicle.

*Patron - LeMunyon*

**[F]HB302 Cruelty to animals; penalty.** Prohibits the use of devices such as a bullhook, axe handle, or block and tackle or the performance of certain practices in order to discipline, train, or control the behavior of an elephant. The bill provides that any person who uses such devices or engages in certain practices that inflict pain or cause physical injury is guilty of a Class 1 misdemeanor under the cruelty to animals statute. Any person who commits a second violation within five years of a prior conviction is guilty of a Class 6 felony.

*Patron - Rasoul*

**[F]HB471 Service agencies and technicians.** Requires that a weights and measures service agency include in its applications for registration or renewal proof of a uniquely identifiable security seal. The bill also clarifies that service technicians who seek certification must complete a certification or recertification training course and that annual renewal of certification is subject to completion of a training course every three years.

*Patron - Tyler*

**[F]HB619 Home-produced or farm-produced food products.** Exempts food products and food made from milk processed or prepared in private homes or farms from Board of Agriculture and Consumer Services regulations, so long as (i) the sale is made directly to end consumers and (ii) the product is labeled with the producer's name and address, the product's ingredients, and a disclosure statement indicating the product is not for resale and is processed and prepared without state inspection. The bill also exempts private homes or farms that meet the same conditions from examinations conducted by the State Health Commissioner of establishments in which crustacea, finfish, and shellfish are handled.

*Patron - Bell, Robert B.*

**[F]HB958 Cruelty to animals; drowning.** Includes the drowning of an animal as an act of cruelty subject to the criminal penalties of the cruelty statute in the animal care laws. The provisions of the bill would not apply to a person who has been issued a trapping permit to use a completely submerged body-gripping trap by the Department of Game and Inland Fisheries.

*Patron - Keam*

**[F]HB975 Use of restricted use pesticides.** Prohibits the aerial application of restricted use pesticides for agricultural purposes within one-quarter mile of a public or private elementary or secondary school.

*Patron - Lopez*

**[F]HB1079 Tobacco Region Revitalization Commission.** Expands the purposes for which the Tobacco Region Revitalization Commission may distribute funds to include providing proton therapy telemedicine and scientific research performed at one of the Commonwealth's cancer research and treatment centers for citizens living in Southside and Southwest Virginia.

*Patron - Yancey*

**[F]HB1155 Civil immunity; forcible entry of motor vehicle to remove unattended companion animal.** Provides civil immunity to a law-enforcement officer, firefighter, emergency medical services personnel, or animal control officer who forcibly enters a motor vehicle to remove an unattended companion animal that is at risk of serious bodily injury or

death. The bill also provides immunity for acts or omissions that result in the loss of the animal by death or escape or any injury caused by the animal where such loss or injury would not have occurred but for the animal's unattended occupancy of the vehicle.

*Patron - Ward*

**HB1270 Companion animal care advisory committee established.** Authorizes the State Veterinarian to establish by January 1, 2017, a seven-member advisory committee to make recommendations and serve as a resource in the development of policies related to the care and treatment of companion animals by public and private animal shelters.

*Patron - Orrock*

**HB1323 Civil immunity; forcible entry of motor vehicle to remove unattended companion animal.** Provides civil immunity to any person who forcibly enters a motor vehicle to remove an unattended companion animal that is at risk of serious bodily injury or death, provided that the person has attempted to contact a law-enforcement officer, animal control officer, or other emergency services personnel prior to such entry if feasible under the circumstances. The bill also provides immunity for acts or omissions that result in the loss of the animal by death or escape or any injury caused by the animal where such loss or injury would not have occurred but for the animal's unattended occupancy of the vehicle.

*Patron - Bagby*

**SB123 Sale of newborn calves; certification; colostrum.** Requires any seller of a newborn cow calf to certify that the calf received at least four quarts of colostrum during its first six hours. The bill authorizes the Board of Agriculture and Consumer Services to impose a civil penalty of up to \$50 per violation, to be deposited in the Feed, Lime, Fertilizer, and Animal Remedies Fund.

*Patron - Stanley*

**SB753 Tobacco Region Revitalization Commission; repeal; transfer of funds to Medicaid.** Repeals the enabling legislation of the Tobacco Region Revitalization Commission (the Commission) and directs that all funds in the Tobacco Indemnification and Community Revitalization Fund (the Fund), the Tobacco Indemnification and Community Revitalization Endowment, and the Virginia Tobacco Region Revolving Fund be transferred to the Commonwealth's Medicaid program. The bill also authorizes the Department of Medical Assistance Services to seek to recover any payments from the Fund that it determines were made incorrectly or erroneously by the Commission and directs the Auditor of Public Accounts to audit the accounts of the Commission.

*Patron - Edwards*

## Carried Over

**HB157 Department of Agriculture and Consumer Services; guidance documents.** Requires that guidance documents developed by the Department of Agriculture and Consumer Services be approved by the Commissioner of Agriculture. The bill also requires the Department to submit the guidance document to the Secretary of Agriculture and Forestry. The bill specifies that the guidance document has no force of law and cannot be the basis for denial or approval of the operation of a private animal shelter and requires every approved guidance document to be posted on the Department's website.

*Patron - Orrock*

**HB1314 Grapevine Grant Fund and Program.** Creates the Grapevine Grant Fund and Program to fund grants to independent cideries, farm wineries, orchards, and vineyards that purchase materials for vines or fruit trees in order to establish or expand vineyards or orchards.

*Patron - Hugo*

**SB6 Private animal shelters; reporting; euthanasia.** Requires any private animal shelter that euthanizes animals to submit to the State Veterinarian an annual report listing each animal euthanized; the dates of initial confinement, holding, and euthanasia; the shelter's efforts, if any, to dispose of the animal by nonlethal means; and the basis for the decision to euthanize the animal.

*Patron - Stanley*

**SB18 Companion animal surgical sterilization program; fund; penalty.** Establishes a fund to reimburse participating veterinarians for the surgical sterilizations they perform on eligible cats or dogs. The bill provides that a surcharge of \$5 per ton of pet food distributed in the Commonwealth be deposited in the fund and such pet food be exempted from the existing litter tax. An animal will be eligible for sterilization under the program if it is a feral or free-roaming cat or is owned by a low-income individual or a releasing agency such as an animal shelter. The bill establishes penalties for providing false information or submitting false payment requests.

*Patron - Stanley*

**SB717 Grapevine Grant Fund and Program.** Creates the Grapevine Grant Fund and Program to fund grants to independent cideries, farm wineries, orchards, and vineyards that purchase materials for vines or fruit trees in order to establish or expand vineyards or orchards. The bill directs that priority be given to an applicant who proposes to (i) expand a vineyard or orchard measuring five acres or less, (ii) expand a vineyard or orchard measuring more than five acres, and (iii) establish a new vineyard or orchard.

*Patron - Marsden*

## Alcoholic Beverage Control Act

### Passed

**HB143 Alcoholic beverage control; neutral grain spirits or alcohol sold at government stores; proof.** Increases from 101 to 151 the proof of neutral grain spirits or alcohol that is without distinctive character, aroma, taste, or color that may be sold at government stores.

*Patron - Knight*

**HB226 Alcoholic beverage control; mixed beverage licenses; performing arts facilities.** Creates an annual mixed beverage performing arts facility license for persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises that meet or exceed the monthly minimum established by Alcoholic Beverage Control Board (the Board) regulations for mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or events, of



alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board. This bill is identical to SB 154.

*Patron - Albo*

**HB322 Alcoholic beverage control; summary suspension of license in emergency circumstances.** Allows the Alcoholic Beverage Control Board to temporarily suspend any license or permit if it has reasonable cause to believe that an act of violence resulting in death or serious bodily injury or reoccurrence of such acts has occurred on the licensed premises or other designated area and the Board finds that there exists a continuing threat to public safety and that summary suspension of the license or permit is justified to protect the health, safety, or welfare of the public. The bill sets up the process for initial and formal investigations and for a hearing and appeal for summary suspension. The bill does not apply to temporary licenses or permits, which may already be summarily suspended under current law, nor does it apply to holders of wholesale wine or beer licenses or holders of wine or beer importers licenses.

*Patron - Knight*

**HB323 Alcoholic beverage control; purchase and sale of products.** Allows the Alcoholic Beverage Control Board to buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printed matter), 18 (leather goods), 21 (housewares and glass), and 25 (clothing).

*Patron - Knight*

**HB654 Alcoholic beverage control; distribution of liter tax and markup on wine and cider produced by farm wineries.** Clarifies that the liter tax and markup collected on wine and cider produced by farm winery licensees are to be deposited in the Virginia Wine Promotion Fund. This bill is identical to SB 569.

*Patron - Garrett*

**HB706 Alcoholic beverage control (ABC); corkage fee for beer and cider.** Permits any restaurant with an ABC license to permit the consumption of lawfully acquired beer or cider by bona fide customers on the premises in all areas and locations covered by the license under certain conditions and allows the licensee to charge a corkage fee to such customer for the beer or cider so consumed; however, the licensee shall not charge any other fee to such customer. Under current law, a licensed restaurant may charge a corkage fee for wine.

*Patron - Yancey*

**HB755 Alcoholic beverage control; annual mixed beverage performing arts facility license.** Authorizes the Alcoholic Beverage Control Board to grant an annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

*Patron - Bell, Richard P.*

**HB879 Alcoholic beverage control; farm wineries and limited brewery licenses; land zoned agricultural.** Clarifies that for farm wineries and limited breweries, "land zoned agricultural" means land zoned as (i) an agricultural district or classification or (ii) land otherwise permitted by a locality for

farm winery or limited brewery use. The bill provides that "land zoned agricultural" does not include land zoned "residential conservation." The bill exempts from its provisions any farm winery or limited brewery that, prior to July 1, 2016, holds a valid license or pending application for a license that is subsequently granted by the Alcoholic Beverage Control Board and is located on land zoned as agricultural district or classification or land otherwise permitted by a locality for farm winery or limited brewery use. The bill allows any such farm winery or limited brewery that is located on land zoned residential conservation to expand existing buildings or structures and construct new buildings or structures if approved by the locality by special exception.

*Patron - Hugo*

**HB1350 Alcoholic beverage control; spirits tastings by distiller licensee.** Allows a distiller licensee that has been appointed as an agent of the Alcoholic Beverage Control Board to give samples of spirits to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits samples are manufactured within the same licensed premises; (ii) no single sample exceeds one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample may contain up to one and one-half ounces of spirits; (iii) no more than three ounces of spirits are given or sold to any person per day; and (iv) a method is used to track the consumption of each consumer. This bill is identical to SB 536.

*Patron - Freitas*

**SB126 Alcoholic beverage control; mixed beverage licenses for certain properties.** Provides that the Alcoholic Beverage Control Board may grant mixed beverage licenses to establishments located on property fronting Kanawha Ridge Road, located within approximately 700 feet of Route 638, and operated as a resort in Carroll County as of December 31, 2007 (Kanawha Valley Arena Resort).

*Patron - Stanley*

**SB154 Alcoholic beverage control; mixed beverage licenses; performing arts facilities.** Creates an annual mixed beverage performing arts facility license for persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises that meet or exceed the monthly minimum established by Alcoholic Beverage Control Board (the Board) regulations for mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board. This bill is identical to HB 226.

*Patron - Reeves*

**SB536 Alcoholic beverage control; spirits tastings by distiller licensee.** Allows a distiller licensee that has been appointed as an agent of the Alcoholic Beverage Control Board to give samples of spirits to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the spirits samples are manufactured within the same licensed premises; (ii) no single sample exceeds one-half ounce of spirits, unless served as a mixed beverage, in which case a single sample may contain up to one and one-half ounces of spirits; (iii) no more than three ounces of spirits are given or sold to any person per day; and (iv) a method is used



to track the consumption of each consumer. This bill incorporates SB 714 and is identical to HB 1350.

*Patron - Deeds*

**[P]SB569 Alcoholic beverage control; distribution of liter tax and markup on wine and cider produced by farm wineries.** Clarifies that the liter tax and markup collected on wine and cider produced by farm winery licensees are to be deposited in the Virginia Wine Promotion Fund. This bill is identical to HB 654.

*Patron - Ruff*

**[P]SB578 Alcoholic beverage control; limited brewery licenses; land zoned agricultural.** Clarifies that for limited breweries, "land zoned agricultural" means land zoned as (i) an agricultural district or classification or (ii) land otherwise permitted by a locality for limited brewery use. The bill provides that "land zoned agricultural" does not include land zoned "residential conservation." The bill exempts from its provisions any limited brewery that, prior to July 1, 2016, holds a valid license or pending application for a license that is subsequently granted by the Alcoholic Beverage Control Board and is located on land zoned as agricultural district or classification or land otherwise permitted by a locality for farm winery or limited brewery use. The bill allows any such limited brewery that is located on land zoned residential conservation to expand existing buildings or structures and construct new buildings or structures if approved by the locality by special exception.

*Patron - Barker*

**[P]SB579 Alcoholic beverage control; limited distillery licenses; land zoned agricultural.** Clarifies that for limited distilleries, "land zoned agricultural" means land zoned as (i) an agricultural district or classification or (ii) land otherwise permitted by a locality for limited distillery use. The bill provides that "land zoned agricultural" does not include land zoned "residential conservation." The bill exempts from its provisions any limited distillery that, prior to July 1, 2016, holds a valid license or pending application for a license that is subsequently granted by the Alcoholic Beverage Control Board and is located on land zoned as agricultural district or classification or land otherwise permitted by a locality for limited distillery use. The bill allows any such limited distillery that is located on land zoned residential conservation to expand existing buildings or structures and construct new buildings or structures if approved by the locality by special exception.

*Patron - Barker*

**[P]SB695 Alcoholic beverage control; wine and beer licenses for certain properties.** Provides that the Alcoholic Beverage Control Board may grant retail on-premises wine and beer licenses to persons operating a concert and dinner-theater venue on property fronting Natural Bridge School Road in Natural Bridge Station, Virginia, and formerly operated as Natural Bridge High School, which licenses shall authorize the licensee to sell wine and beer during events for on-premises consumption. The bill exempts such licensee from any minimum monthly food sale requirement, but requires that food, whether or not prepared on the premises, be served whenever wine or beer is served.

*Patron - Deeds*

**[P]SB758 Alcoholic beverage control; farm winery license.** Allows farm winery licensees to trade fruits or agricultural products grown or produced on such farms with other farm winery licensees and provides that such fruit or agricultural products shall be considered to be grown or produced on the receiving farm for the purposes of meeting the requirement that a certain percentage of the fruits or agricultural products

used by farm winery licensees to manufacture wine shall be grown or produced on such farm.

*Patron - Black*

## Failed

**[F]HB173 Alcoholic beverage control; prohibited practices by mixed beverage licensees; exception.** Allows a mixed beverage licensee to transfer spirits from the original larger bottle or container that was purchased by the licensee to a smaller one, provided that (i) the smaller bottle is the same brand and type as the spirits contained in the larger bottle or container that was purchased by the licensee and (ii) the larger bottle or container is kept in the same serving area. Currently, a mixed beverage licensee must keep alcoholic beverages in the bottle or container in which they were purchased. The bill contains a technical amendment.

*Patron - Albo*

**[F]HB1023 Alcoholic beverage control; limited distiller's licenses.** Provides that a limited distillery license may be granted to a distillery located on a farm in the Commonwealth on land where agricultural uses are permitted. Under current law, such license may be granted only if the land is zoned agricultural.

*Patron - Hodges*

**[F]HB1054 Alcoholic beverage control; certain tobacco laws; enforcement by the Department of State Police; penalty.** Transfers the enforcement of alcoholic beverage control laws and certain tobacco laws from the Alcoholic Beverage Control Board to the Department of State Police. As a result, the positions of special agents of the ABC Board are eliminated; however, the bill provides for the transfer of the special agents to the Department of State Police under certain circumstances. The bill contains technical amendments. The bill has a delayed effective date of July 1, 2017.

*Patron - Bell, Robert B.*

**[F]HB1081 Alcoholic beverage control; police power of members, agents and employees of the Alcoholic Beverage Control Board.** Provides that no member of the Alcoholic Beverage Control Board or any special agent or employee of the Board shall have the authority to enforce the provisions of Title 4.1 relating to the underage consumption, purchase, or possession of, or attempts to consume, purchase, or possess, any alcoholic beverage.

*Patron - Simon*

**[F]HB1375 Alcoholic beverage control; privileges of distillery licensees.** Creates parity between Distilleries and Wineries for the purpose of on-site retail sales, administration, and accounting.

*Patron - Freitas*

**[F]SB39 Unlawful transport of alcoholic beverages; penalty.** Makes it a Class 1 misdemeanor for any person to whom an alcoholic beverage may not lawfully be sold (persons who are under age 21, interdicted, or intoxicated) to knowingly transport alcoholic beverages. Under current law the purchase, possession, or consumption of alcohol by such persons is a Class 1 misdemeanor.

*Patron - Carrico*

**[F]SB714 Alcoholic beverage control; privileges of distiller's license.** Allows distiller's licensees to (i) sell at retail the brands of alcoholic beverages that the licensee owns at premises described in the license for on-premises consumption

and in closed containers for off-premises consumption and (ii) offer samples of such products to individuals visiting the licensed premises. Under current law, distiller's licensees may only sell such alcoholic beverages at government stores established by the Alcoholic Beverage Control Board on the distiller's licensed premises. The bill levies on alcoholic beverages sold by distiller's licensees to consumers at retail a tax of 20 percent of the price charged.

*Patron - Garrett*

## Carried Over

**[C]HB171 Alcoholic beverage control; food-beverage ratio for certain mixed beverage licensees.** Provides that for persons holding a mixed beverage restaurant, caterer's, or limited caterer's license, in calculating the minimum 45 percent ratio of food to mixed beverage and food, such licensees shall include the gross receipts from the sale of nonalcoholic beverages served on the premises in calculating the gross receipts from the sale of food. The bill provides that it is declarative of existing law.

*Patron - Albo*

**[C]HB219 Alcoholic beverage control; food-beverage ratio.** Reduces from 45 to 25 percent the requirement for mixed beverage restaurant licensees for the ratio of combined gross receipts from the sale of food consumed on the premises and nonalcoholic beverages served on the premises and the combined gross receipts from the sale of mixed beverages, food, and nonalcoholic beverages. The bill provides that gross receipts be calculated on the basis of the price that the licensee paid for the food, nonalcoholic beverages, or mixed beverages sold, rather than the price at which the licensee sells such items to consumers.

*Patron - Taylor*

**[C]HB835 Alcoholic beverage control; privileges of licensed art instruction studios.** Expands the privileges of an art instruction studio licensee to allow the consumption of lawfully acquired alcoholic beverages on its premises by any bona fide customer and provides that the licensee may allow any bona fide customer to host a private gathering or special event where such customer has obtained a banquet license or a mixed beverage special events license issued by the Alcoholic Beverage Control Board.

*Patron - Greason*

**[C]HB904 Alcoholic beverage control; limited mixed beverage license for retail cigar shops.** Creates a new limited mixed beverage license for retail cigar shops. The bill sets out the privileges of this new license, including that the licensee may serve wine, beer, or mixed beverages on the premises to any such bona fide customer; however, the licensee shall not give more than (i) two five-ounce glasses of wine, (ii) two 12-ounce glasses of beer, or (iii) two glasses mixed beverages provided that each glass of mixed beverages contains no more than two ounces of spirits, to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine, beer, or mixed beverages served or consumed. The privileges of this license shall be limited to the premises of the cigar shop regularly occupied and utilized as such. Such license shall be deemed a retail license for the purposes of this title.. The bill also defines cigar shop and sets out the state and local license taxes for this license.

*Patron - Landes*

**[C]SB373 Alcoholic beverage control; food sale requirements.** Provides that a business may be considered a

restaurant for purposes of mixed beverage licenses if it regularly sells foods, rather than meals, prepared on the premises. The bill also provides that in calculating the gross receipts from the sale of food for purposes of the food-to-beverage ratio, mixed beverage restaurant licensees, mixed beverage caterer's licensees, mixed beverage limited caterer's licensees, and limited mixed beverage restaurant licensees shall include the gross receipts from the sale of nonalcoholic beverages.

*Patron - Ebbin*

**[C]SB410 Alcoholic beverage control; consumption of samples by brewery tour guides.** Requires the Alcoholic Beverage Control Board to adopt regulations that prescribe the terms and conditions under which tour guides employed by certain licensed breweries may consume up to three four-ounce samples of beer while conducting tours of the premises for the purpose of featuring and educating the public about the beer being tasted.

*Patron - Barker*

**[C]SB488 Pilot project for mixed beverage licensees of the Alcoholic Beverage Control Board; alternative calculation for the 45 percent food-to-beverage ratio based on price paid by the licensee.** Creates a two-year pilot project that directs participating mixed beverage restaurant licensees to calculate the required food-to-beverage ratio (i) on the basis of the price such licensee paid for the food, nonalcoholic beverages, and mixed beverages sold and (ii) on the basis of the price such licensee sold such food, nonalcoholic beverages, and mixed beverages to patrons. The bill provides that participating licensees shall be deemed to be in compliance with law if they meet the required food-to-beverage ratio based on either of the above calculations. The bill also requires participating licensees to serve food during any period of time mixed beverages are served and allows the Alcoholic Beverage Control Board to summarily suspend the license of participants for 24 hours for violation of this requirement.

*Patron - DeSteph*

**[C]SB489 Alcoholic beverage control; food-beverage ratio.** Provides that a mixed beverage restaurant licensee meets the required food-beverage ratio if its gross receipts from the sale of food and nonalcoholic beverages amount to at least (i) \$5,000 per month or (ii) 25 percent of the gross receipts from the sale of mixed beverages and food. The bill also provides that mixed beverage caterer and limited mixed beverage caterer licensees meet the required food-beverage ratio if their gross receipts from the sale of food and nonalcoholic beverages amount to at least 25 percent of their gross receipts from the sale of mixed beverages and food. Under current law, mixed beverage restaurant, mixed beverage caterer, and limited mixed beverage caterer licensees' gross receipts from the sale of food and nonalcoholic beverages must amount to at least 45 percent of their gross receipts from the sale of mixed beverages and food. The bill also requires such licensees to serve food during any period of time mixed beverages are served and allows the Alcoholic Beverage Control Board to summarily suspend a license for a maximum of 24 hours for failure to comply with this provision.

*Patron - DeSteph*

## Behavioral Health and Developmental Services

### Passed

**[P]HB197 Commonwealth Mental Health First Aid Program.** Directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish and maintain the Commonwealth Mental Health First Aid Program to provide training by certified trainers of individuals residing or working in the Commonwealth on how to identify and assist individuals who have or may be developing a mental health or substance use disorder or who may be experiencing a mental health or substance abuse crisis.

*Patron - Lingamfelter*

**[P]HB536 Sponsored residential and shared living services; background checks.** Establishes a requirement for a national fingerprint-based background check for providers of sponsored residential and shared living services.

*Patron - Hope*

**[P]HB583 Certification of peer providers.** Authorizes the Commissioner of Behavioral Health and Developmental Services to certify individuals as peer providers in accordance with regulations adopted by the Board of Behavioral Health and Developmental Services.

*Patron - Yost*

**[P]HB616 Discharge from involuntary admission; advance directive.** Requires that, prior to the release from involuntary admission or discharge from involuntary admission to mandatory outpatient treatment of an individual who has not executed an advance directive, the individual be given a written explanation of the procedures for executing an advance directive and an advance directive form.

*Patron - Bell, Robert B.*

**[P]HB646 Commissioner of and the Department of Behavioral Health and Developmental Services: reporting duties.** Requires the Commissioner of Behavioral Health and Developmental Services to submit an annual report to the Chairmen of the House Appropriations and Senate Finance Committees that provides information on the operation of Virginia's publicly funded behavioral health and developmental services system. The bill also eliminates the requirement that the Department of Behavioral Health and Developmental Services report biennially to the General Assembly on the comprehensive state interagency state plan for substance abuse services.

*Patron - Aird*

**[P]HB1110 Temporary detention; notice of recommendation; communication with magistrate.** Provides that the magistrate conducting a temporary detention hearing shall consider, if available, information provided by the person who initiated emergency custody. The bill also requires the community services board evaluating a person for temporary detention, if the evaluator recommends that the person not be subject to temporary detention, (i) to notify, if present, the person who initiated emergency custody of such recommendation in addition to the current obligation to notify the petitioner and an onsite treating physician; (ii) to promptly inform the person who initiated emergency custody that the community services board will facilitate communication between such person and the magistrate if such person disagrees with the recommenda-

tion of the community services board; and (iii) to arrange for the person who initiated emergency custody to communicate, upon request, with the magistrate as soon as practicable prior to the expiration of the period of emergency custody. Finally, the bill imposes a duty on health care providers providing services to a person subject to emergency custody, temporary detention, or involuntary admission proceedings to make a reasonable attempt to notify the person's family member or personal representative and clarifies that such representative includes an agent named in an advance directive; currently, such health care provider has discretion as to whether to make such notification.

*Patron - Bell, Robert B.*

**[P]SB556 Opiate addiction treatment; nonmethadone opioid replacements.** Removes certain restrictions on licensure of providers who provide treatment for persons with opiate addiction using opioid replacements that have been approved by the U.S. Food and Drug Administration for the treatment of opioid addiction. Such restrictions include the proximity of the provider to a school and community notice requirements.

*Patron - Wexton*

**[P]SB567 Temporary detention; notice of recommendation; communication with magistrate.** Provides that the magistrate conducting a temporary detention hearing shall consider, if available, information provided by the person who initiated emergency custody. The bill also requires the community services board evaluating a person for temporary detention, if the evaluator recommends that the person not be subject to temporary detention, (i) to notify, if present, the person who initiated emergency custody of such recommendation in addition to the current obligation to notify the petitioner and an onsite treating physician; (ii) to promptly inform the person who initiated emergency custody that the community services board will facilitate communication between such person and the magistrate if such person disagrees with the recommendation of the community services board; and (iii) to arrange for the person who initiated emergency custody to communicate, upon request, with the magistrate as soon as practicable prior to the expiration of the period of emergency custody. Finally, the bill imposes a duty on health care providers providing services to a person subject to emergency custody, temporary detention, or involuntary admission proceedings to make a reasonable attempt to notify the person's family member or personal representative and clarifies that such representative includes an agent named in an advance directive; currently, such health care provider has discretion as to whether to make such notification.

*Patron - Barker*

### Failed

**[F]HB464 Behavioral Health and Developmental Services Trust Fund; use of funds.** Provides that the proceeds from the sale of vacant buildings and land resulting from the closure or downsizing of any state training center that are deposited in the Behavioral Health and Developmental Services Trust Fund shall be used only for the purpose of providing community-based services to individuals with intellectual and developmental disabilities.

*Patron - Hope*

**[F]HB483 Judicial authorization of treatment.** Removes from the requirements that must be met prior to issuance of a court order for treatment of a mental or physical disorder on behalf of an adult who is incapable of making or

communicating an informed decision on his own behalf the requirement that the court find that there is no available person with legal authority under human rights regulations or other applicable law to authorize the proposed treatment. The court will still have to determine whether, under the Health Care Decisions Act, there is an available person with legal authority to authorize the treatment.

*Patron - McClellan*

**HB606 Temporary detention order; voluntary admission.** Provides that a magistrate shall issue a temporary detention order if a person (i) has a mental illness and there exists a substantial likelihood in the near future that he will cause serious harm to himself or others or suffer serious harm due to his lack of capacity to protect himself or provide for his basic needs and (ii) is in need of hospitalization or treatment, regardless of whether the person is willing and capable of volunteering for hospitalization or treatment. Currently, a temporary detention order cannot be issued if a person volunteers for hospitalization or treatment. If the person accepts voluntary admission, the bill provides that the temporary detention order will be deemed to have expired at that time and no commitment hearing need be held.

*Patron - Bell, Robert B.*

**HB764 Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program.** Establishes the Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program to provide student loan repayment grants to eligible behavioral health practitioners who agree to a 12-month employment obligation with a community services board, behavioral health authority, or Department of Behavioral Health and Developmental Services facility or with an entity that has entered into a contract with a community services board, behavioral health authority or Department of Behavioral Health and Developmental Services facility to provide behavioral health services. Grants may be up to \$10,000 per recipient per year, and the Department of Behavioral Health and Developmental Services may award up to 250 grants per year.

*Patron - Yost*

**HB785 Emergency custody; temporary detention; law-enforcement agency.** Provides that for the purposes of executing emergency custody and temporary detention orders and providing transportation for persons subject to such orders, the definition of "law-enforcement agency" does not include any town that has a police department that does not provide law-enforcement services on a 24-hours-per-day, seven-days-per-week basis.

*Patron - Adams*

**HB811 Involuntary admission procedures.** Provides that, as soon as practicable after being provided with the time and location of a commitment hearing, the community services board shall make a reasonable effort to notify the personal representative of the person who is the subject of the hearing and the spouse, parent, or adult child of such person. The bill also provides that any individual, including any individual who is given notice of the commitment hearing by the community services board, may testify and present evidence at the hearing and that the judge or special justice conducting the hearing shall consider any testimony of or evidence presented by such personal representative, spouse, parent, or adult child. Finally, the bill imposes a duty on health care providers providing services to a person subject to emergency custody, temporary detention, or involuntary admission proceedings to make a reasonable attempt to notify the person's family member or personal representative and clarifies that such representative includes an agent named in an advance directive; currently,

such health care provider has discretion as to whether to make such notification.

*Patron - Bell, Robert B.*

**HB1112 Involuntary admission; contents of preadmission screening report; notice of hearing.** Provides that the community services board that prepares the preadmission screening report admitted into evidence at a person's involuntary admission hearing, if the report recommends that the person is not in need of involuntary treatment, must include in such report any contrary recommendations, if available, by the person's personal representative, relatives, or treating or examining physician. The bill requires further that the judge or special justice conducting the hearing consider, if available, the recommendations of the person's personal representative and relatives. The bill also requires that notice of the hearing be given to the person's personal representative, or if the person has no personal representative and the individual who petitioned for the person's involuntary admission is not a relative of the person, the nearest known relative of the person. Finally, the bill imposes a duty on health care providers providing services to a person subject to emergency custody, temporary detention, or involuntary admission proceedings to make a reasonable attempt to notify the person's family member or personal representative and clarifies that such representative includes an agent named in an advance directive; currently, such health care provider has discretion as to whether to make such notification.

*Patron - Bell, Robert B.*

**SB535 Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program.** Establishes the Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program to provide student loan repayment grants to eligible behavioral health practitioners who agree to a 24-month employment obligation with a community services board, behavioral health authority, or Department of Behavioral Health and Developmental Services facility or with an entity that has entered into a contract with a community services board, behavioral health authority or Department of Behavioral Health and Developmental Services facility to provide behavioral health services. Grants may be up to \$10,000 per recipient per year, and the Department of Behavioral Health and Developmental Services may award up to 250 grants per year. The provisions of this bill are contingent on funding in a general appropriation act.

*Patron - Deeds*

**SB568 Involuntary admission; contents of preadmission screening report; notice of hearing.** Provides that the community services board that prepares the preadmission screening report admitted into evidence at a person's involuntary admission hearing, if the report recommends that the person is not in need of involuntary treatment, must include in such report any contrary recommendations, if available, by the person's personal representative, relatives, or treating or examining physician. The bill requires further that the judge or special justice conducting the hearing consider, if available, the recommendations of the person's personal representative and relatives. The bill also requires that notice of the hearing be given to the person's personal representative, or if the person has no personal representative and the individual who petitioned for the person's involuntary admission is not a relative of the person, the nearest known relative of the person. Finally, the bill imposes a duty on health care providers providing services to a person subject to emergency custody, temporary detention, or involuntary admission proceedings to make a reasonable attempt to notify the person's family member or personal representative and clarifies that such representative includes an agent named in an advance directive; currently,

such health care provider has discretion as to whether to make such notification.

*Patron - Barker*

**[F]SB683 Training centers; communications with individuals.** Provides that if an individual has submitted a letter to a training center director stating that he does not wish to leave the facility, community services board staff or Department of Behavioral Health and Developmental Services staff, employees, agents, or affiliates are prohibited from contacting such individual or his authorized representative, except by writing, regarding a community placement more than once every six months, unless the facility is scheduled to close within six months of the contact.

*Patron - Miller*

## Civil Remedies and Procedure

### Passed

**[P]HB116 Reappointment of jury commissioners.** Provides that jury commissioners are eligible for reappointment. Current law prohibits reappointment of a jury commissioner for at least three years after the expiration of the one-year term to which he was appointed.

*Patron - Knight*

**[P]HB232 Authenticity and reasonableness of medical bills; presumption; who may identify and provide testimony.** Allows a plaintiff's guardian, agent under an advance directive, or agent under a power of attorney to identify a medical bill and provide testimony on the bill to establish a rebuttable presumption of authenticity and reasonableness of the bill where the court finds the plaintiff is unable to provide testimony. Current law requires the plaintiff to identify and provide testimony on the bill.

*Patron - Leftwich*

**[P]HB437 Security for appeal.** Clarifies the difference between an appeal bond (a bond or irrevocable letter of credit conditioned upon paying the costs or fees incurred in the appellate court) and a suspending bond (a bond or irrevocable letter of credit suspending the judgment appealed) and the method for seeking modification of such bonds in the trial court or commission that entered the judgment appealed and in the appellate courts. The bill provides that a party seeking to modify the amount or other requirements of such bonds in an appellate court may do so by motion in addition to the current method of requesting such modification in a brief filed with the appellate court. The bill also allows the parties to agree to waive the requirement of a suspending bond or to agree to a suspending bond in an amount less than the compensatory damages awarded in the judgment. The bill further requires that the amount of the suspending bond include an amount equivalent to one year's interest calculated from the date of the notice of appeal using the statutory judgment rate of interest. The bill lastly provides that the effect of failing to perfect an appeal bond is governed by the Rules of Supreme Court of Virginia. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Loupassi*

**[P]HB441 Nonsuits; tolling of limitations; contractual limitation periods.** Provides that a voluntary nonsuit tolls both

a contractual limitation period and a statutorily governed limitation period. This bill is identical to SB 170.

*Patron - Loupassi*

**[P]HB446 Establishment of damages for unlawful entry or unlawful detainer; exclusion of witnesses.** Increases from 90 days to 120 days the time during which a plaintiff for whom a verdict or judgment and grant of possession is entered on an unlawful entry or detainer claim may continue the case to establish final rent and damages. The bill adds managing agents in unlawful detainer claims brought in general district court to the list of individuals exempt from being excluded as a witness in a civil case.

*Patron - Loupassi*

**[P]HB467 Limited standing to seek injunctive relief against manufacturing companies.** Provides that no action shall be initiated or maintained to enjoin the continued use and operation of a previously existing manufacturing company solely on the basis of a claimant's use of a public park, recreational facility, or playground or public greenway. The bill does not limit actions brought by the Commonwealth, a locality, or another entity designated by the locality to have authority over the operation of a public park, recreational facility, or playground.

*Patron - Head*

**[P]HB496 Attorney-issued summons; proof of payment to clerk's office.** Provides that a photocopy of a payment instrument and a photocopy of the accompanying letter sent to the clerk's office to show payment of service of process fees for an attorney-issued summons is sufficient proof of payment for a sheriff's office to accept and serve such summons. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Campbell*

**[P]HB637 Medical malpractice actions; limitations period.** Extends the two-year limitations period for personal injury actions in malpractice cases arising out of the negligent failure to diagnose an intracranial, intraspinal, or spinal schwannoma or to communicate such diagnosis to the patient for a period of one year from the date the existence of an intracranial, intraspinal, or spinal schwannoma is communicated to the patient. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Habeeb*

**[P]HB641 Jurisdiction of general district court; arbitration.** Establishes that the general district courts have concurrent jurisdiction with the circuit courts to submit matters to arbitration where the amount in controversy is within the jurisdictional limits of the general district court. The bill provides that any party that disagrees with an order by a general district court granting an application to compel arbitration may appeal the decision to the circuit court. The introduced bill was a recommendation of the Boyd-Graves Conference.

*Patron - Leftwich*

**[P]HB681 Trafficking in persons; civil action.** Creates a civil cause of action against individuals who engage in (i) abduction of any person for the purpose of prostitution, any child under 16 years of age for concubinage, or any minor for the purpose of manufacturing child pornography; (ii) solicitation of prostitution from a minor; or (iii) commercial sex trafficking, or who aid in the conduct thereof. This bill is identical to SB 133.

*Patron - Leftwich*

**[P]HB1117 Immunity of persons at public hearing; attorney fees and costs.** Allows the award of reasonable attor-

ney fees and costs to any person who has a suit against him dismissed pursuant to immunity provided to him when appearing at a public hearing before the governing body of a locality or other local governmental entity. This bill incorporates HB 690.

*Patron - Loupassi*

**[P]HB1128 Spouse's liability for medical care; exemption for principal residence.** Provides that a lien arising out of a judgment for a spouse's emergency medical care shall not be enforced against the judgment debtor's principal residence held as tenants by the entireties unless the residence is refinanced or transferred to new owners.

*Patron - Habeeb*

**[P]HB1257 Personal injury and wrongful death actions; disclosure of physical address of insured person.** Requires an insurance company to disclose the physical address of an insured person, if known, upon request of an injured person, personal representative, or attorney in a cause of action for personal injury or wrongful death due to a motor vehicle accident within 30 days of the receipt of the request. This bill is identical to SB 128.

*Patron - Campbell*

**[P]SB27 Servicemembers Civil Relief Act; appointment of counsel to represent servicemember.** Requires the plaintiff in a case in which counsel has been appointed under the Servicemembers Civil Relief Act (SCRA) to deliver all documents or information concerning the location of the servicemember to the appointed counsel if so requested in a subpoena duces tecum. The bill further provides that counsel appointed pursuant to the SCRA shall not be selected by the plaintiff or have any affiliation with the plaintiff, but allows counsel for the plaintiff to provide a list of attorneys familiar with the provisions of the SCRA upon the court's request.

*Patron - Reeves*

**[P]SB90 Discovery rule; statute of limitations.** Provides that the period of limitations for filing a cause of action for injury resulting from implanted medical devices accrues from the time the person knew or should have known of the injury and its causal connection to such device.

*Patron - Marsden*

**[P]SB125 Punitive damages for persons injured by intoxicated drivers.** Provides that, for the purposes of a punitive damages award in a civil action for personal injury or death arising from the operation of a motor vehicle while intoxicated, in order to have a rebuttable presumption that a defendant's blood alcohol concentration at the time of the incident causing injury or death was at least as high as results of a blood or breath test, such test must have been administered in accordance with the provisions of §§ 18.2-268.1 through 18.2-268.12, which lay out the procedures for obtaining blood and breath tests. Under current law, to have the rebuttable presumption, such blood or breath test must have been administered within three hours of the incident causing injury or death.

*Patron - Stanley*

**[P]SB128 Personal injury and wrongful death actions; disclosure of physical address of insured person.** Requires an insurance company to disclose the physical address of an insured person, if known, upon request of an injured person, personal representative, or attorney in a cause of action for personal injury or wrongful death due to a motor vehicle accident within 30 days of the receipt of the request. This bill is identical to HB 1257.

*Patron - Edwards*

**[P]SB133 Trafficking in persons; civil action.** Creates a civil cause of action against individuals who engage in (i) abduction of any person for the purpose of prostitution, any child under 16 years of age for concubinage, or any minor for the purpose of manufacturing child pornography; (ii) solicitation of prostitution from a minor; or (iii) commercial sex trafficking, or who aid in the conduct thereof. This bill is identical to HB 681.

*Patron - Edwards*

**[P]SB170 Nonsuits; tolling of limitations; contractual limitation periods.** Provides that a voluntary nonsuit tolls both a contractual limitation period and a statutorily governed limitation period. This bill is identical to HB 441.

*Patron - Surovell*

**[P]SB240 Virginia Tort Claims Act; notice of claim; electronic filing when notice filed with Department of Transportation.** Allows for the electronic filing of tort claims when a filing is made with the Department of Transportation.

*Patron - Edwards*

**[P]SB241 Service of process on domestic corporations.** Allows process on a Virginia corporation to be served on its registered agent by substituted service if such registered address is a single-family residential dwelling.

*Patron - Petersen*

**[P]SB392 Release of lien against real property.** Provides that a judgment creditor may record an instrument, upon payment of the fees for recordation of the instrument, releasing the lien of any judgment docketed against one or more parcels of real property, even when satisfaction of the judgment has not been entered by the clerk.

*Patron - Surovell*

**[P]SB611 Notice of tort claim against the Commonwealth, transportation district, or locality; statute of limitations.** Provides that the bar to a tort claim against the Commonwealth, a transportation district, or a locality for failure to file a written statement within one year, or within six months if the claim is against a locality, after the cause of action accrues does not apply where there was actual knowledge of the claim within one year by (i) for claims against the Commonwealth, the Division of Risk Management or any insurer or entity providing coverage or indemnification of the claim or the Attorney General; (ii) for claims against a transportation district, the chairman of the commission of such transportation district; or (iii) for claims against a locality, the attorney, chief executive, or mayor of such locality. The bill clarifies that actual knowledge of the claim includes the nature of the claim, the time and place at which the injury is alleged to have occurred, and, for claims against the Commonwealth or a transportation district, the agency or agencies alleged to be liable. The bill further provides that a claim against the Commonwealth or a transportation district is barred unless an action on the claim is commenced within 18 months of the filing of notice of such a claim, or within two years after the cause of action accrues.

*Patron - Stanley*

**[P]SB728 Punitive damages; injury by intoxicated drivers; admission of evidence.** Provides that, when considering what amount of punitive damages to award in a civil action for personal injury or death resulting from the operation of a motor vehicle while intoxicated, the finder of fact may consider evidence of the defendant's similar conduct subsequent to the date of the personal injury or death.

*Patron - McDougle*

**SB746 Recovery of costs and attorney fees from agency; actions brought in violation of law or for an improper purpose.** Provides that, for a civil case brought under the Administrative Process Act, where a person is contesting an agency action, such a person shall be entitled to reasonable costs and attorney fees if the person substantially prevails on the merits of the case and the agency action was in violation of law or was for an improper purpose. The award of attorney fees is limited to \$25,000.

*Patron - Wagner*

## Failed

**HB146 Jury commissioners; list of persons qualified to serve as jurors.** Requires jury commissioners to use both a current voter registration list and a list of persons issued a driver's license by the Department of Motor Vehicles in compiling a qualified juror list. Current law provides that the Department of Motor Vehicles list be used where feasible.

*Patron - Edmunds*

**HB269 Invasion of privacy; civil action; damages; attorney fees and costs.** Creates a civil cause of action for the physical and constructive invasion of privacy where a person enters onto the land or into the airspace above the land of another person to capture an image, as specified in the bill, of private property or an individual located on the private property without consent or uses any device, including an unmanned aircraft system, to capture such an image in lieu of physically entering the land or airspace. The bill allows a plaintiff to recover the greater of actual damages or \$1,000, along with reasonable attorney fees and costs. The bill allows a court to award punitive damages when actual damages are awarded.

*Patron - Cole*

**HB690 Immunity of persons at public hearing; attorney fees; costs.** Allows the court to award reasonable attorney fees and costs in any suit dismissed pursuant to the immunity provided to an individual at a public hearing, or where a nonsuit is taken. This bill was incorporated into HB 1117.

*Patron - Peace*

**HB701 Compensation for wrongful incarceration for a felony conviction.** Establishes a process for a person wrongfully incarcerated to submit a written request to the Office of the Executive Secretary of the Supreme Court of Virginia for the disbursement of the transition assistance grant of \$15,000 for payment from the Criminal Fund, provides a 30-day timeframe, or as soon as practicable, within which such grant must be paid, and removes the provision that such grant amount be deducted from any compensation awarded for wrongful incarceration. Current law does not specify the process for the person wrongfully incarcerated to receive such grant.

*Patron - Sullivan*

**HB878 Invasion of privacy; civil action; damages; attorney fees and costs.** Creates a civil cause of action for the physical and constructive invasion of privacy where a person, with the intent to coerce, intimidate, or harass enters onto the land or into the airspace above the land of another person to capture an image, as specified in the bill, of private property or an individual located on the private property without consent or uses any device, including an unmanned aircraft system, to capture such an image in lieu of physically entering the land or airspace. The bill allows a plaintiff to recover the greater of

actual damages or \$1,000, along with reasonable attorney fees and costs. The bill allows a court to award punitive damages when actual damages are awarded.

*Patron - Hugo*

**HB906 Communications between ministers of religion and persons they counsel or advise.** Provides that the testimony of a minister of religion that would disclose information communicated to the minister of religion confidentially by a person who sought spiritual counsel or advice from the minister of religion shall not be permitted in a civil action over the objection of the person. The bill extends the "priest-penitent" privilege to individuals who seek spiritual counsel or advice from a minister of religion. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Minchew*

**HB1141 Invasion of privacy; civil action; damages; attorney fees and costs.** Creates a civil cause of action for the physical and constructive invasion of privacy where a person, with the intent to coerce, intimidate, or harass enters onto the land or into the airspace above the land of another person to capture an image, as specified in the bill, of private property or an individual located on the private property without consent or uses any device, including an unmanned aircraft system, to capture such an image in lieu of physically entering the land or airspace. The bill allows a plaintiff to recover the greater of actual damages or \$1,000, along with reasonable attorney fees and costs. The bill allows a court to award punitive damages when actual damages are awarded.

*Patron - Fariss*

**SB75 Service of process on Sunday.** Eliminates the prohibition of service of process on Sunday.

*Patron - Wexton*

**SB76 Service of process; common interest communities.** Requires an employee of a common interest community to grant entry into the community to a person attempting to execute service on a party who resides within or is known to be within the community.

*Patron - Wexton*

**SB95 Use of firearm in commission of crime; civil liability.** Provides that a person may be held civilly liable for injury to the person or property of another or for wrongful death resulting from the use of a firearm in the commission of a crime if it can be shown by clear and convincing evidence that the firearm came into the possession of the person who committed the crime because of the failure of the civil defendant to adequately secure the firearm from theft or unauthorized possession.

*Patron - Marsden*

**SB110 Temporary injunctions; factors for consideration.** Provides that, in assessing whether to award a temporary injunction, a court shall review the following factors: (i) the likelihood of irreparable harm to the party seeking the temporary injunction if the temporary injunction is denied; (ii) the likelihood of harm to the party not seeking the temporary injunction if the temporary injunction is granted; (iii) the likelihood that the party seeking the temporary injunction will succeed on the merits; and (iv) the public interest.

*Patron - Petersen*

**SB111 Punitive damages cap.** Raises the punitive damages cap from \$350,000 to \$500,000 for any action accruing on or after July 1, 2016.

*Patron - Petersen*



**[F]SB172 Foreign business entities; consent to jurisdiction and service of summons for witness or subpoena duces tecum.** Provides that authorization from the State Corporation Commission (the Commission) for a foreign business entity to transact business in the Commonwealth constitutes the foreign business entity's consent to the jurisdiction of the courts of the Commonwealth for all actions against the foreign business entity. The bill further provides that a court may enforce a summons for witness or a subpoena duces tecum against the registered agent of such foreign business entity, regardless of whether the foreign business entity is a party to the underlying suit. The bill requires the Commission to notify the registered agents of every foreign business entity that has a certificate of authority or similar authorization to transact business within the Commonwealth of the provisions regarding consent to jurisdiction. The bill serves to overrule the Supreme Court of Virginia's decision in *Yelp, Inc., v. Hadeed Carpet Cleaning, Inc.*, 770 S.E.2d 440 (2015).

*Patron - Surovell*

**[F]SB272 Substituted service of process; member of party's household.** Changes the requirement that substituted service of process be on a member of the party's household instead of a member of the party's family. The requirements that the person upon whom service is made must be found at the party's usual place of abode, not be a temporary sojourner or guest, and be 16 years of age or older remain in effect.

*Patron - Wexton*

**[F]SB386 Objections to business records as evidence.** Provides that, if a pro se party receives written notice, a copy of the record, and certification from a proponent of a business record and subsequently retains counsel, counsel may file any objections within five days of entering an appearance, so long as counsel enters an appearance at least 15 days before trial or hearing. Where written notice and certification is provided to a pro se defendant, the bill requires additional language to be contained in the written notice advising the pro se party of the purpose of the written notice and certification.

*Patron - Surovell*

**[F]SB510 Authenticity and reasonableness of medical bills; presumption; who may identify and provide testimony.** Allows a plaintiff's guardian, agent under an advance directive, agent under a power of attorney, or next friend to identify a medical bill and provide testimony on the bill to establish a rebuttable presumption of authenticity and reasonableness of the bill where the court finds the plaintiff is unable to provide such testimony. Current law requires the plaintiff to identify and provide testimony on the bill.

*Patron - Sturtevant*

**[F]SB534 Dissemination of criminal history record information; civil actions.** Provides that any person or entity who is regularly engaged in the business of disseminating or publishing, for a fee, criminal history record information and who knowingly disseminates or publishes such information relating to information that has been expunged or who disseminates or publishes such information 60 days or more after receiving notice of expungement shall be civilly liable for actual damages.

*Patron - Surovell*

**[F]SB577 Immunity of persons; attorney fees and costs.** Allows the award of reasonable attorney fees and costs to any person who has a suit against him dismissed pursuant to the immunity provided to him for statements made when appearing at a public hearing before the governing body of a locality or other local governmental entity.

*Patron - Sturtevant*

## Carried Over

**[C]HB1130 Requests for medical records; fee limits and penalty for failure to provide.** Provides that when documents are requested or subpoenaed, the requester or subpoenaing party has the option of specifying that the documents are to be produced by the health care provider in hard copy or electronic format, and where a requester makes no specification, the documents are to be produced in electronic format. The bill imposes a maximum cost to the requester of medical records requested in electronic format. Current law does not set a maximum cost or deadline for production but provides that if a court finds that a health care provider refuses to comply either by willfully or arbitrarily refusing or by imposing a charge in excess of the reasonable expense of making the copies and processing the request for records, the court may award damages for all expenses incurred by the patient or authorized insurer to obtain such copies, including court costs and reasonable attorney fees. The bill imposes a \$100 per day sanction, plus damages, attorney fees, and costs incurred by the requesting party, upon health care providers who do not furnish copies of medical records or papers within 15 days of such request.

*Patron - Habeeb*

## Commonwealth Public Safety

### Passed

**[P]HB147 Department of Criminal Justice Services; photo identification.** Provides that the Department of Criminal Justice Services (the Department) shall design and approve the issuance of photo-identification cards to every person who is issued a private security services registration by the Department. The photo-identification card shall contain the name, registration number, registration category, and photograph of the recipient; the date of issuance; the date of expiration; and the name of the issuer in the form "Department of Criminal Justice Services, Commonwealth of Virginia." The Department may enter into an agreement with the Department of Motor Vehicles to produce the photo-identification cards. The bill has a delayed effective date of July 1, 2017. This bill is identical to SB 424.

*Patron - Fowler*

**[P]HB177 Sex Offender and Crimes Against Minors Registry Act; penalty.** Adds to the offenses for which registration is required on the Sex Offender and Crimes Against Minors Registry the crimes of (i) procuring a person for prostitution and receiving money from the earnings of a person engaged in prostitution if the crime involves a minor and (ii) aggravated malicious wounding if the perpetrator of the crime was an adult and the victim was under the age of 13. The bill also provides that only persons who committed such crimes on or after July 1, 2016, are required to register. This bill incorporates HB 604 and HB 672.

*Patron - Albo*

**[P]HB355 Forensic Science Board; membership.** Adds the Director of the Virginia Division of Consolidated Laboratory Services to the Forensic Science Board, the Department of Forensic Science's policy board, and eliminates the member designated from the now defunct Virginia Institute of Forensic Science and Medicine.

*Patron - Boyso*



**HB434** **Licensure of private security services providers and personnel; waiver of prohibition for conviction of certain crimes.** Requires that the Director of the Department of Criminal Justice Services grant or deny a waiver of the prohibition against the certification of a person who has been convicted of certain misdemeanors or any felony as an unarmed security officer, electronic security employee or technician's assistant, private security services training school or instructor, or compliance agent or the licensing of such person as a private security services business within 30 days of receipt of the request. The bill also requires that any grant or denial by the Director of a request for a waiver be made in writing and state the reasons for the decision.

*Patron - Villanueva*

**HB487** **School Resource Officer Grants Program school resource officers; conditions of employment.** Relieves school resource officers employed pursuant to the School Resource Officer Grants Program from the obligation to enforce school board rules and codes of student conduct as a condition of their employment.

*Patron - McClellan*

**HB628** **Sex Offender and Crimes Against Minors Registry Act; public dissemination.** Adds the current work address and the name of any institution of higher education at which he is currently enrolled to the information that must be made publicly available by means of the Internet for a person convicted of an offense for which registration on the Sex Offender and Crimes Against Minors Registry is required.

*Patron - Bell, Robert B.*

**HB669** **Advisory Committee to the Court-Appointed Special Advocate Program.** Provides that the membership of the Advisory Committee that advises the Criminal Justice Services Board on matters related to the Court-Appointed Special Advocate Program shall include one juvenile and domestic relations district court or circuit court judge.

*Patron - Peace*

**HB854** **Firefighter or emergency medical services personnel interrogation; observer.** Allows firefighters or emergency medical services personnel subjected to an interrogation that could lead to dismissal, demotion, or suspension for punitive reason to have a retired member of the department present as an observer. Current law allows only current members of the department to be present. The bill changes the term "current" to "active" to clarify members' status as active or retired.

*Patron - Hugo*

**HB1101** **Automatic notification of registration of sex offenders; common interest communities.** Provides that the association for a common interest community may request and receive from the State Police notice of the registration or reregistration of sex offenders whose registered address is in the same or a contiguous zip code as that of the common interest community.

*Patron - Villanueva*

**HB1102** **Department of Criminal Justice Services; trauma-informed sexual assault investigation training.** Requires the Department of Criminal Justice Services, in consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, to develop multidisciplinary curricula on trauma-informed sexual assault investigation.

*Patron - Filler-Corn*

**HB1126** **Department of Criminal Justice Services; training standards and model policies for law-enforcement personnel.** Reorganizes the Department of Criminal Justice Services' powers and duties for establishing training standards and publishing model policies for law-enforcement personnel by combining each discrete subject into one list. The bill also requires the Department to periodically update such model policies.

*Patron - Miller*

**HB1330** **Private police departments; successors in interest.** Allows a successor in interest of an entity authorized by statute or an act of assembly to establish and operate a private police department to establish and operate a private police department.

*Patron - Garrett*

**HB1345** **Line of Duty Act.** Revises the Line of Duty Act (the Act) by codifying revisions to the Act from the appropriation act and, among other changes, transferring overall administration of the Act to the Virginia Retirement System, transferring administration of health insurance benefits under the Act to the Department of Human Resource Management, and creating separate health benefits plans for beneficiaries under the Act. The bill has a delayed effective date of July 1, 2017.

*Patron - Jones*

**SB424** **Department of Criminal Justice Services; photo identification.** Provides that the Department of Criminal Justice Services (the Department) shall design and approve the issuance of photo-identification cards to every person who is issued a private security services registration by the Department. The photo-identification card shall contain the name, registration number, registration category, and photograph of the recipient; the date of issuance; the date of expiration; and the name of the issuer in the form "Department of Criminal Justice Services, Commonwealth of Virginia." The Department may enter into an agreement with the Department of Motor Vehicles to produce the photo-identification cards. The bill has a delayed effective date of July 1, 2017. This bill is identical to HB 147.

*Patron - Ebbin*

**SB704** **Overtime compensation; fire protection employees.** Broadens the definition of "fire protection employee" for the purposes of determining eligibility for overtime compensation.

*Patron - Lucas*

## Failed

**HB331** **Line of Duty Act; training and beneficiary identification.** Requires that the training that law-enforcement and public safety officers receive concerning the Line of Duty Act benefits to which they and their beneficiaries are entitled be conducted semiannually. The bill requires each such officer entitled to Line of Duty Act benefits to provide to his agency or locality the name and address of his beneficiary and to recertify this information at least once every three years.

*Patron - Pogge*

**HB376** **Definition of law-enforcement officer; municipal park rangers.** Requires sworn municipal park rangers to be certified through completion of training at an approved criminal justice training academy. The bill authorizes sworn municipal park rangers to access criminal history record information for the purposes of the administration of criminal

justice and the screening of an employment application. The bill provides that any sworn municipal park ranger who is a conservator of the peace pursuant to § 19.2-12 shall be considered a law-enforcement officer or member of a law-enforcement agency for the purposes of (i) execution and issuance of warrants; (ii) exemption from regulations in certain situations; (iii) obtaining criminal record information; (iv) use of flashing blue warning lights; (v) possession of controlled substances, including marijuana, in the performance of their duties; (vi) penalties for eluding a law-enforcement officer; (vii) penalties for obstruction of justice; (viii) penalties for false reporting; and (ix) penalties for resisting arrest.

*Patron - Pogge*

**[F]HB484 Recording custodial interrogations.** Provides that any law-enforcement officer shall, if practicable, make an audiovisual recording of any custodial interrogation of a person conducted in a place of detention. The bill provides that the failure to make such a recording does not affect the admissibility of statements made during the custodial interrogation, but the court shall consider or shall instruct the jury to consider such failure in determining the weight given to such evidence. The bill also requires the Department of Criminal Justice Services to establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for the recording of custodial interrogations.

*Patron - McClellan*

**[F]HB489 Sexual assault evidence collection and storage.** Requires the Department of Criminal Justice Services (the Department) to establish training standards and a model policy for law-enforcement personnel involved in sexual assault investigations for the collection and storage of evidence, including the collection and storage of evidence from physical evidence recovery kits in restricted reporting sexual assault investigations. The bill also requires the Department of State Police, local law-enforcement agencies and campus police departments to collect and store any evidence obtained in sexual assault investigations, including physical evidence recovery kits in accordance with the model policy developed by the Department.

*Patron - McClellan*

**[F]HB604 Sex Offender and Crimes Against Minors Registry; receiving money from earnings of a prostitute; procuring; penalty.** Adds the crimes of receiving money for procuring a person for prostitution and receiving money from the earnings of a person engaged in prostitution to the Sex Offender and Crimes Against Minors Registry if the crime involves a minor. This bill was incorporated into HB 177.

*Patron - Bell, Robert B.*

**[F]HB655 Sexual assault evidence collection and storage.** Requires the Department of State Police, local law-enforcement agencies, and campus police departments to collect evidence obtained in sexual assault investigations, including physical evidence recovery kits from sexual assault investigations where the victim elects at the time of examination not to report the assault to law enforcement. The bill provides that if the victim elects at the time of examination not to report the assault to law enforcement, the law-enforcement agency shall send the kit to the Division of Consolidated Laboratory Services of the Department of General Services, which shall retain the kit for a minimum of five years from the date of receipt or a minimum of five years after the victim reaches the age of majority, whichever is longer. If the victim elects at the time of examination to report the sexual assault to law enforcement, the kit shall be submitted by the law-enforcement agency to the Department of Forensic Science for analysis, then

returned to the submitting law-enforcement agency for storage for the same time frame.

*Patron - Filler-Corn*

**[F]HB672 Sex Offender and Crimes Against Minors Registry; malicious wounding; aggravated malicious wounding.** Adds the crimes of malicious wounding and aggravated malicious wounding to offenses for which registration is required on the Sex Offender and Crimes Against Minors Registry if the perpetrator of the crime was an adult, the victim was under the age of 13, and the crime was committed on or after July 1, 2016. This bill was incorporated into HB 177.

*Patron - Peace*

**[F]HB998 Local law-enforcement agencies; body-worn cameras.** Requires localities to adopt and establish a written policy for the operation of a body-worn camera system that conforms to the model policy established by the Department of Criminal Justice Services (the Department) prior to purchasing or deploying a body-worn camera system. The bill requires such policy to provide that (i) recorded individuals have a right to view and make copies of any audiovisual recording in which they are depicted; (ii) recordings be destroyed within 60 days unless certain exceptions apply; and (iii) the locality deploying the system review the recordings on a periodic basis to determine whether persons wearing the body-worn cameras are acting inappropriately or exhibiting bias. The bill provides that the Commonwealth shall reimburse each locality up to one-half of the costs of any body-worn camera system, provided that the locality has adopted and established a written policy that has been approved by the Department. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and establish procedures for the reimbursement of counties and cities that purchase a body-worn camera system.

*Patron - Levine*

**[F]HB1143 Law-enforcement agencies; body-worn cameras; required policies.** Requires localities to adopt and establish a written policy for the operation of a body-worn camera system that conforms to the model policy established by the Department of Criminal Justice Services prior to purchasing or deploying a body-worn camera system. The bill requires such policy to provide that (i) recorded individuals have a right to review any audiovisual recording in which they are depicted; (ii) recordings be destroyed within 30 days unless certain exceptions apply; and (iii) the locality deploying the system review the recordings on a periodic basis to determine whether persons wearing the body-worn cameras are acting inappropriately or exhibiting bias.

*Patron - Lindsey*

**[F]HB1159 Department of Criminal Justice Services; community policing.** Revises the powers and duties of the Department of Criminal Justice Services by combining and streamlining duties related to the promotion of community policing by providing training, technical assistance, and consulting services; reviewing community policing programs in the Commonwealth; and serving as a statewide information source.

*Patron - Price*

**[F]HB1177 Bail bondsmen; licensure of nonresidents.** Requires nonresident transfers of and applicants for a bail bondsman license to designate and maintain a registered agent in the Commonwealth.

*Patron - Spruill*

**[F]HB1246 Bail bondsmen; solicitation of business.** Provides that any bail bondsman who directly solicits business

from any person in court, jail, lock-up, or surrounding government property is guilty of a Class 1 misdemeanor. The bill also provides that any bail bondsman who (i) directly solicits business with any person in court, jail, lock-up, or surrounding government property; (ii) loiters by a jail or magistrate's office without legitimate business; or (iii) refers a client for whom he has posted bond to an attorney for profit is subject to existing monetary penalties.

*Patron - Wilt*

**[F]HB1283 Line of Duty Act; certification expiration for temporarily disabled persons.** Prohibits the expiration of a state certification of any person subject to the Line of Duty Act who, as a result of the performance of his duties, has become temporarily mentally or physically disabled so as to prevent the performance of his duty for no longer than 24 months and who is required to have such certification for his employment. The bill requires the Department of Criminal Justice Services to develop rules and regulations allowing such person up to 12 months after he has returned to work to complete any recertification requirements. The bill has a delayed effective date of July 1, 2017.

*Patron - Anderson*

**[F]HB1327 Local law-enforcement agencies; body-worn cameras.** Requires localities to adopt and establish a written policy for the operation of a body-worn camera system that conforms to the model policy established by the Department of Criminal Justice Services (the Department) prior to purchasing or deploying a body-worn camera system. The bill requires such policy to provide that (i) recorded individuals have a right to view and make copies of any audiovisual recording in which they are depicted; (ii) recordings be destroyed within 60 days unless certain exceptions apply; and (iii) the locality deploying the system review the recordings on a periodic basis to determine whether persons wearing the body-worn cameras are acting inappropriately or exhibiting bias. The bill provides that the Commonwealth shall reimburse each locality up to one-half of the costs of any body-worn camera system, provided that the locality has adopted and established a written policy that has been approved by the Department. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and establish procedures for the reimbursement of counties and cities that purchase a body-worn camera system.

*Patron - Davis*

**[F]SB11 Sex Offender and Crimes Against Minors Registry; prohibited publication of registrant employment information.** Prohibits the placement of the name of the employer of a Sex Offender and Crimes Against Minors Registry registrant on the Internet registry maintained by the Department of State Police.

*Patron - Howell*

**[F]SB81 Campus sexual assault investigations.** Requires the Department of Criminal Justice Services, in consultation with the State Council of Higher Education for Virginia, to develop a curriculum on conducting campus sexual assault investigations and to provide training on the curriculum to campus sexual assault investigatory personnel. The curriculum must include information on institutional, state, and federal requirements regarding campus sexual assault investigations.

*Patron - Favola*

**[F]SB243 Sex offender registry; electronic identification information; registration requirements.** Under current law a registered sex offender must reregister within 30 minutes following a change of the offender's electronic mail address information, any instant message, chat, or other Internet com-

munication name or identity information that the person uses or intends to use, whether within or without the Commonwealth. This bill extends the time frame to the next business day after the person learns of the change. The bill also provides that consumer account information, such as usernames and passwords, do not have to be submitted to the Registry.

*Patron - Petersen*

**[F]SB378 Private police department; Shenandoah Valley Battlefields Foundation.** Allows the Shenandoah Valley Battlefields Foundation to establish a private police department to provide law-enforcement services for the Shenandoah Valley Battlefields National Historic District.

*Patron - Vogel*

**[F]SB450 Department of Criminal Justice Services; community policing.** Revises the powers and duties of the Department of Criminal Justice Services by combining and streamlining duties related to the promotion of community policing by providing training, technical assistance, and consulting services; reviewing community policing programs in the Commonwealth; and serving as a statewide information source.

*Patron - McEachin*

**[F]SB456 Regional Criminal Justice Training Academy Fund; distribution.** Provides that the money collected by the Fund, which consists of felony and misdemeanor fees, is to be distributed to localities that participate in regional criminal justice training academies in proportion to the costs and fines that were collected in that locality. Money received from the Fund is to be used only to provide financial support to the regional criminal justice training academy where the locality is a member.

*Patron - Carrico*

**[F]SB656 Victims of domestic violence, etc.; firearms safety or training course.** Provides that the Department of Criminal Justice Services may distribute funds from the Virginia Sexual and Domestic Violence Victim Fund to reimburse an entity that offers a firearms safety or training course or class approved by the Department free of charge to victims of domestic violence, sexual abuse, stalking, and family abuse. The bill also requires that, upon the issuance of a protective order, the petitioner for the order be provided with a list of such approved courses or classes.

*Patron - Vogel*

## Carried Over

**[C]HB678 Department of Criminal Justice Services; human trafficking training.** Requires the Department of Criminal Justice Services to establish compulsory training standards for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and identification of human trafficking offenses.

*Patron - Leftwich*

**[C]HB768 Victims of domestic violence, etc.; firearms safety or training course.** Provides that the Department of Criminal Justice Services may distribute funds from the Virginia Sexual and Domestic Violence Victim Fund to reimburse an entity that offers a firearms safety or training course or class approved by the Department free of charge to victims of domestic violence, sexual abuse, stalking, and family abuse. The bill also requires that, upon the issuance of a protective

order, the petitioner for the order be provided with a list of such approved courses or classes.

*Patron - Gilbert*

**[C]HB1161 Correctional Officer Procedural Guarantee Act.** Creates the Correctional Officer Procedural Guarantee Act to establish procedural guarantees for correctional officers when allegations are made against such officers involving matters that may lead to their dismissal, demotion, suspension, or transfer for punitive reasons.

*Patron - Hester*

**[C]HB1193 Line of Duty Act; probation and parole officers.** Expands the definition of a deceased person under the Line of Duty Act to include probation and parole officers whose death occurs as a direct or proximate result of the performance of their duty.

*Patron - Carr*

**[C]SB93 Correctional Officer Procedural Guarantee Act.** Creates the Correctional Officer Procedural Guarantee Act to establish procedural guarantees for correctional officers when allegations are made against such officers involving matters that may lead to their dismissal, demotion, suspension, or transfer for punitive reasons.

*Patron - Marsden*

**[C]SB135 Department of Criminal Justice Services; teacher licensure; human trafficking training.** Requires the Department of Criminal Justice Services to establish compulsory training standards for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and identification of human trafficking offenses. The bill also requires every person seeking initial licensure as a teacher and every person seeking renewal of a license who has not completed such training to complete training in human trafficking recognition, intervention, and prevention in accordance with curriculum guidelines developed by the Board of Education and the Department of Social Services.

*Patron - Edwards*

**[C]SB297 Line of Duty Act; certain employees of the Department of Corrections.** Expands the definition of a deceased person under the Line of Duty Act to include employees of the Department of Corrections with internal investigations authority whose death occurs as a direct or proximate result of the performance of their duty.

*Patron - Lucas*

**[C]SB523 Line of Duty Act; firefighters and emergency medical services trainees.** Includes persons enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs under the Line of Duty Act.

*Patron - McPike*

**[C]SB619 Line of Duty Act; probation and parole officers.** Expands the definition of a deceased person under the Line of Duty Act to include probation and parole officers whose death occurs as a direct or proximate result of the performance of their duty.

*Patron - Lucas*

## Conservation

### Passed

**[P]HB2 Clean Power Plan; state implementation plan; General Assembly approval.** Requires the Department of Environmental Quality to receive approval from the General Assembly for a state implementation plan to regulate carbon dioxide emissions from existing power plants prior to submitting the plan to the U.S. Environmental Protection Agency for approval. This bill is identical to SB 21.

*Patron - O'Quinn*

**[P]HB1066 Disbursement of funds for Confederate gravesites.** Authorizes the disbursement of funds for the maintenance of 197 Confederate gravesites in Cedar Hill Cemetery in Suffolk.

*Patron - Jones*

**[P]HB1127 Forest fire protection compacts; codification.** Codifies the text of the Southeastern Interstate Forest Fire Protection Compact (the SIFFPC) and the Middle Atlantic Interstate Forest Fire Protection Compact, originally incorporated into the Code of Virginia by reference in 1956 and 1966, respectively. In the section that codifies the SIFFPC, the names of state entities in the Commonwealth are updated. The bill also repeals an obsolete section of the 1956 act that originally provided for the appointment of members to a compact advisory committee; the committee no longer exists. This bill is a recommendation of the Virginia Code Commission.

*Patron - Habeeb*

**[P]SB21 Clean Power Plan; state implementation plan; General Assembly approval.** Requires the Department of Environmental Quality to receive approval from the General Assembly for a state implementation plan to regulate carbon dioxide emissions from existing power plants prior to submitting the plan to the U.S. Environmental Protection Agency for approval. This bill incorporates SB 482 and is identical to HB 2.

*Patron - Chafin*

**[P]SB252 State Forester; century forest program.** Directs the State Forester to establish a program to honor families whose property has been in the same family for 100 years or more, includes at least 20 contiguous acres of managed forest, and meets certain requirements. The bill also removes the option for the Commissioner of Agriculture and Consumer Services to recognize under the century farm program a farm that does not gross more than \$2,500 annually but is being used for a bona fide silvicultural purpose.

*Patron - Ruff*

**[P]SB282 Virginia Shoreline Resiliency Fund.** Establishes the Virginia Shoreline Resiliency Fund for the purpose of creating a low-interest loan program to help residents and businesses that are subject to recurrent flooding. Moneys from the Fund may be used to mitigate future flood damage.

*Patron - Lewis*

**[P]SB557 Reformulated gasoline; sale by marina.** Directs the Department of Environmental Quality to seek an exemption from the federal reformulated gasoline (RFG) program for conventional ethanol-free gasoline sold by a marina for marine use.

*Patron - DeSteph*

## Failed

**HB318 Phosphorous standards for nutrient management plans; regulations.** Directs the Virginia Soil and Water Conservation Board to adopt regulations establishing a standard for the acceptable rate of phosphorus application to lands from the use of fertilizer, animal manure, poultry waste, sewage sludge, and industrial sludge to protect water quality. In developing the standard, the Department of Conservation and Recreation, in consultation with the Department of Environmental Quality and Virginia Polytechnic Institute and State University, is given responsibility for conducting the scientific research for establishing the basis for the phosphorous standard.

*Patron - Lingamfelter*

**HB466 Environmental permit conditions.** Prohibits the State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board from reviewing or amending a permit or certificate solely on the basis of the proximity of the permitted operation to a public greenway, defined in the bill as any system of hiking, biking, or horseback trails established by a locality or other political subdivision.

*Patron - Head*

**HB976 Special orders issues by environmental boards.** Increases the civil penalties assessed under special orders issued by the State Air Pollution Control Board, the Solid Waste Management Board, and the State Water Control Board or by a court. Currently, the boards may assess up to \$32,500 for a single violation, not to exceed \$100,000 per order. The bill permits the boards to assess up to \$50,000 per violation, not to exceed \$1 million per order. Under the bill, the amount a court may assess for each violation is increased from \$32,500 to \$50,000. The bill also increases from \$10,000 to \$50,000 the maximum civil penalty that the Director of the Department of Environmental Quality can assess under a special order.

*Patron - Lopez*

**HB1249 York River; scenic and historic designations.** Designates the portion of the York River that flows for approximately 20 miles from the border of York and James City Counties to the Chesapeake Bay as a component of the Virginia Scenic Rivers System and declares it to be a state historic river.

*Patron - Helsel*

**SB227 Department of Environmental Quality; toxic waste site inventory.** Directs the Department of Environmental Quality to inventory by July 1, 2017, nonfederally managed toxic waste sites in the Commonwealth and publish the inventory at that time and annually thereafter.

*Patron - McEachin*

**SB228 Department of Environmental Quality; penalties.** Raises the civil penalty that may be included with a special order from \$10,000 to \$25,000. The bill contains a technical amendment.

*Patron - McEachin*

**SB482 Clean Power Plan; state implementation plan; General Assembly approval.** Requires the Department of Environmental Quality to receive approval from the General Assembly for a state implementation plan to regulate carbon dioxide emissions from existing power plants prior to submit-

ting the plan to the U.S. Environmental Protection Agency for approval. This bill is incorporated into SB 21.

*Patron - Obenshain*

**SB537 Coal combustion by-product impoundments; closure requirements.** Directs the Department of Environmental Quality to require the closure of surface impoundments of coal combustion by-products, commonly called coal ash ponds, by July 1, 2020. The bill applies to impoundments that managed such by-products from the generation of electricity by an electric utility or independent power producer prior to December 4, 2015, including those impoundments that, prior to December 4, 2015, have been closed by capping in place or have received Department approval for closure by capping in place. The bill requires that the coal combustion by-products be removed for disposal in a permitted landfill meeting federal criteria, and that the impoundment site be reclaimed in a manner consistent with federal mine reclamation standards, for closure to be deemed complete. The bill allows an investor-owned public electric utility to recover the costs of closure from customers.

*Patron - Surovell*

**SB624 York River; scenic and historic designations.** Designates the portion of the York River that flows for approximately 20 miles from the border of York and James City Counties to the Chesapeake Bay as a component of the Virginia Scenic Rivers System and declares it to be a state historic river.

*Patron - Locke*

## Carried Over

**HB1358 Control of gas emission from certain landfills.** Requires all active sanitary landfills that hold a Title V operating permit issued by the Virginia Air Pollution Control Board and are located within one-half mile of any residence or residentially zoned property to install a landfill gas collection and control system by July 1, 2018, whether or not the Title V operating permit requires such installation. The bill (i) requires any application for the expansion of any such landfill to include certification from the governing body of the locality where the facility is located that the expansion of the facility has been approved and (ii) prohibits the Department of Environmental Quality from issuing a Certificate to Operate for any expansion of an area within such facility before the Department receives such certification of approval, if the sanitary landfill has not received such Certificate to Operate by January 1, 2016.

*Patron - Fariss*

**SB698 Dam Safety, Flood Prevention and Protection Assistance Fund.** Authorizes the Director of the Department of Conservation and Recreation to disburse moneys from the Fund in the form of grants to private entities that own dams in order to protect public safety and welfare. The grants can be used for the design, repair, and the safety modifications of dams identified in safety reports. The bill specifies homeowners' associations and planned unit developments among those private entities owning dams that are eligible to receive grants and loans from the Fund.

*Patron - Wexton*

## Contracts

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### Carried Over

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**HB666** Void provisions of contracts for sale or lease of consumer goods or services. Prohibits a contract for sale or lease of consumer goods or services from containing a provision requiring a consumer to waive his right to make a statement regarding the good or service and provides that any such provision contained in such contract is void and unenforceable.

*Patron - Pogge*

## Corporations

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### Passed

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**HB234** Corporate action without board meeting. Establishes a procedure by which actions of the board of directors of a nonstock corporation may be taken without a meeting by fewer than all of the directors if authorized in the articles of incorporation. Such action without a meeting of the board requires the consent of a majority or quorum of the members of the board. Action under this procedure by fewer than all of the directors requires the corporation to give written notice of the proposed corporate action to all directors not less than 10 business days before the action is taken. Such action is not permitted if any director objects to the taking of such proposed action within 10 business days after notice of the proposed action is given.

*Patron - Sullivan*

**HB918** Limited liability companies; access to records. Authorizes limited liability companies to provide members with access to the limited liability company's records by electronic means as an electronic record on a network or system. Currently, a limited liability company is required to keep the records at its principal office.

*Patron - Mason*

**HB955** Limited liability companies; entity conversions. Restructures the Virginia Limited Liability Company Act (Act) to locate into a new article all existing provisions related to the formation of a limited liability company (LLC) by entity conversion. In addition, the measure brings the current business entity conversion provisions in the Virginia Business Trust Act into alignment with the entity conversion provisions of the Act as restructured in this measure. The measure also provides for the reorganization of an LLC in bankruptcy, as is provided for Virginia stock and nonstock corporations. The measure makes technical adjustments to the Act to bring it in conformance with similar provisions applicable to other business entities.

*Patron - Keam*

**HB1227** Securities Act; registration exemptions. Establishes an exemption for any offer or sale of a security that is conducted in accordance with Tier 2 of federal Regulation A promulgated under § 3(b)(2) of the Securities Act of 1933. The exemption applies to the extent that such securities are preempted from state registration requirements pursuant to Tier 2 of federal Regulation A. The measure requires the State Corporation Commission (SCC) to prescribe any filings with it of notices, renewals, and other materials. The measure authorizes

the SCC to assess a filing fee. The SCC is further required to provide information on its website regarding the differences between this exemption and the crowdfunding exemption enacted in 2015.

*Patron - Davis*

**SB688** Limited liability companies; registered agent. Authorizes a limited liability company (LLC) to designate an officer of the LLC as its registered agent. An officer of an LLC is defined in this measure as an employee of the LLC, other than a member or manager of the LLC, who has been designated by the LLC as a person upon whom any process, notice, or demand may be served. The measure requires such a registered agent or his designee to be available during regular business hours at the registered office to accept service of any process, notice, or demand.

*Patron - Petersen*

### Failed

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**HB175** Foreign business entities; service of process. Establishes that the registered agent of a foreign stock or non-stock corporation, limited liability company, or business trust may be served with a subpoena for depositions, discovery, or documents, regardless of where the documents are located.

*Patron - Albo*

### Carried Over

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**HB130** Limited liability companies; series. Authorizes an operating agreement of a limited liability company (LLC) to establish or provide for the establishment of a designated series of members, managers, or interests having separate rights, powers, or duties with respect to specified property or obligations of the LLC or profits and losses associated with specified property or obligations. The debts, liabilities, and obligations incurred, contracted for, and otherwise existing with respect to a series shall be enforceable only against the assets of that series and not against the assets of the LLC generally or any other series of the LLC. The measure requires a series with limited liability to be treated as a separate entity as set forth in the articles of organization and allows the series to conduct business and exercise the powers of an LLC. An operating agreement can provide for classes or groups of members or managers associated with a series having the rights, powers, and duties as provided in the agreement. The measure also specifies the requirements for foreign LLCs that have established a series to register to do business in the Commonwealth. The measure also specifies that the information that an LLC is required to provide in its articles of organization shall also be specified for each separate series of the LLC and that the information that a foreign LLC is required to provide in its application for registration as a foreign LLC shall also be specified for each separate series of the LLC.

*Patron - Webert*

## Counties, Cities and Towns

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### Passed

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**HB65** Bedford; references to the former City of Bedford. Removes references to the former City of Bedford in cer-

tain sections of the Code. Bedford reverted to town status in 2013. This bill is identical to SB 769.

*Patron - Austin*

**HB118 Urban county executive form of government; animal protection police officer.** Amends the form of government applicable to Fairfax County by providing that the department of police may include an animal protection police officer who shall have all of the powers of an animal control officer conferred by general law. In addition, the animal protection police officer and his deputies shall have all of the powers vested in law-enforcement officers, provided that they have met the minimum qualifications and have been certified.

*Patron - Albo*

**HB138 Virginia Beach arena.** Extends from 2043 to 2050 an existing contingent sunset provision relating to the Virginia Beach arena. This bill is identical to SB 642.

*Patron - Knight*

**HB233 Fire or rescue volunteers; mental health treatment; funding by locality.** Allows any locality to fund the cost of participation in mental health treatment and counseling programs by a member of a volunteer fire or rescue company. A mental health program in which such volunteers are eligible to participate must be comparable to an employee assistance program offered to paid employees of the locality. This bill is identical to SB 79.

*Patron - Minchew*

**HB264 Prohibiting certain local government practices that would require contractors to provide certain compensation or benefits.** Prohibits local governing bodies from establishing provisions related to procurement of goods, professional services, or construction that would require a wage floor or any other employee benefit or compensation above what is otherwise required by state or federal law to be provided by a contractor to one or more of the contractor's employees as part of a contract with the locality. The prohibition shall not affect contracts between a locality and another party that were executed prior to January 1, 2017, or the renewal or future rebids of services thereof. Also, localities shall not be prohibited from entering into contracts for economic development incentives in which the company receiving the incentives is required to maintain a certain stated wage level for its employees.

*Patron - Davis*

**HB268 Land Bank Entities Act.** Authorizes the establishment of a land bank entity by any locality or two or more localities combined to assist in addressing vacant, abandoned, and tax-delinquent real properties. Under the bill, the locality has the option of (i) creating an authority or a non-profit, nonstock corporation or (ii) designating an existing non-profit entity that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953 to carry out the functions of such land entity. The bill provides that land bank entities may acquire real property within participating localities or receive transfers and conveyances from the participating localities. Land bank entities are authorized to receive funding through grants and loans from participating localities, the Commonwealth, the federal government, and other public and private sources. In addition, the bill authorizes a locality to deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax-delinquent property in exchange for conveyance of the property by the owner to a land bank entity. The bill also authorizes a participating locality to remit to the land bank entity up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity for up to 10

years after the conveyance. This bill is a recommendation of the Virginia Housing Commission. This bill is identical to SB 414.

*Patron - Marshall, D.W.*

**HB367 Nonconforming uses.** Provides that if a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing.

*Patron - Davis*

**HB412 Local regulation of certain aircraft.** Provides that no locality may regulate the use of privately owned, unmanned aircraft systems within its boundaries. The provisions of the bill expire on July 1, 2019.

*Patron - Kilgore*

**HB470 Middle Peninsula Chesapeake Bay Public Access Authority Act.** Grants the Middle Peninsula Chesapeake Bay Public Access Authority the power to request and accept legal advice and assistance from the Office of the Attorney General.

*Patron - Hodges*

**HB587 Protection of monuments and memorials.** Provides that existing provisions related to the protection of certain monuments and memorials shall apply to all such monuments and memorials, regardless of when erected.

*Patron - Poindexter*

**HB647 Tree conservation ordinance.** Provides that the ordinance may allow a locality to post on private property that is proposed to be redeveloped with one single-family home signs that notify the public that an infill lot grading plan is pending for review before the locality. The locality may not require the applicant to be responsible for such posting, and the failure to post the property shall not be a ground for denial of such grading plan. This bill is identical to SB 361.

*Patron - Sullivan*

**HB883 Comprehensive plan; telecommunications towers.** Provides that a proposed telecommunications tower, and certain other facilities, shall be deemed to be substantially in accord with the comprehensive plan and planning commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

*Patron - Habeeb*

**HB919 Water and sewer service provided by locality; canceling service for nonpayment of charges.** Shortens from two months to 30 days the period after which a locality providing water or sewer service may shut off service for unpaid charges.

*Patron - Mason*

**HB945 Annexation.** Extends the current moratorium on city annexations and county immunity actions by six years to 2024. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2022-2024 biennium. The Commission on Local Government is directed to evaluate the structure of cities and counties in the Commonwealth and the impact of

annexation upon localities. In doing so, the Commission shall consider alternatives to the current moratorium on annexation by cities. The Commission shall issue its findings and recommended policy changes to the General Assembly no later than December 1, 2018. This bill is identical to SB 309.

*Patron - Wilt*

**HB1146 Permitting or licensure; locality shall not require consent of homeowners' association.** Prohibits a locality from requiring consent of a condominium association, homeowners' association, or real estate cooperative prior to the issuance of a permit, certificate, or license, including a building permit or a business license. This bill is identical to SB 389.

*Patron - Hope*

**HB1182 Sheriffs; standard vehicle markings.** Allows sheriffs' offices to use marked motor vehicles painted in any solid color. Current law requires the sheriff to obtain the concurrence of the local governing body to use any color other than dark brown. This bill is identical to SB 266.

*Patron - Aird*

**HB1255 BVU Authority; Board powers, officers; broadband; FOIA.** Reduces from nine to seven the number of directors on the Board of Directors (the Board) of the BVU Authority (the Authority) and alters the methods of their appointment and their powers and duties. The bill removes the current membership of the Board, comprising six citizens of Bristol, Virginia, two Bristol City Council members, and one member of the Board of Supervisors of Washington County, and institutes in their place a board of seven directors, comprising (i) one citizen of each of the following localities with its appointing authority: the City of Bristol, appointed by the Speaker of the House of Delegates; the City of Bristol, appointed by the Board; Scott County, appointed by the Speaker of the House of Delegates; and Washington County, appointed by the Senate Committee on Rules, and (ii) one member of the governing body of each of the localities of the City of Bristol, the Town of Abingdon, and Washington County, appointed by their respective governing bodies. The citizen of the City of Bristol who is appointed by the Board is required to be engaged in business and may be appointed initially by the Bristol City Council.

Upon the sale of the Authority's broadband service, BVU Opti-Net, the bill reduces the Board to five by removing the Abingdon Town Council member and the Scott County citizen.

The bill changes the operation of the Board by altering certain requirements regarding bylaws, eliminating the Board's authority to appoint an attorney, requiring an annual vote to retain independent legal counsel, and barring Board members from receiving financial compensation for service. The bill alters the authority of the Board president by eliminating his power to enter into long-term employment contracts with Authority employees. It also limits a president's term of service to a renewable term of three years and bars any severance agreement for the president amounting to more than one year's base salary. The bill requires that any decision of the Board related to water or sewer systems be made by a majority vote of the three Board members representing the City of Bristol and the Board member representing Washington County.

The bill clarifies that the Authority is prohibited from making charitable donations, contracting with or becoming a wireless service authority, or contracting with a locality to have it acquire property for the Authority by eminent domain. The bill requires the Authority to take certain actions in relation to any

economic development project that uses funds allocated under an agreement with the Tennessee Valley Authority.

The bill requires the Board to adopt certain policies related to travel, expenses, and conflict of interests, to file statements of economic interests, and to undergo annual training on conflict of interests law. The bill eliminates several Authority-related records and open meeting exemptions from the Freedom of Information Act.

The bill changes the Authority's broadband-related powers, allowing it to offer and operate broadband and cable television service only in specified areas. The Authority's first broadband priority is to be the construction of wired broadband infrastructure in unserved areas, and its power to apply for grants for broadband projects is defined in conjunction with that priority. Any broadband networks the Authority builds are to be operated on an open-access basis.

The bill directs the Auditor of Public Accounts to examine the accounts of the Authority by July 1, 2016, and contains an emergency clause. This bill is identical to SB 329.

*Patron - Pillion*

**HB1300 Appointment to economic development authority; Mathews County.** Allows the board of supervisors of Mathews County to appoint from five to seven members to serve on the board of the economic development authority. Under current law, unless specifically provided otherwise, the authority consists of seven members.

*Patron - Hodges*

**HB1371 Prohibition on certain local government mandates upon employers.** Provides that a locality shall not enact any policy that requires an employer within the locality to provide an employee with a wage or employment benefit that exceeds the requirements of state or federal law. Any such local policy shall be unenforceable.

*Patron - Miller*

**SB78 Boundary agreement between Loudoun County and any town within Loudoun County; attachment of GIS map to petitions.** Allows Loudoun County and any town located within Loudoun County, 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. Under current law, such use of a GIS map is permitted only regarding the boundary between the Counties of Louisa and Goochland. The bill contains a technical amendment.

*Patron - Wexton*

**SB79 Fire or rescue volunteers; mental health treatment; funding by locality.** Allows any locality to fund the cost of participation in mental health treatment and counseling programs by a member of a volunteer fire or rescue company. A mental health program in which such volunteers are eligible to participate must be comparable to an employee assistance program offered to paid employees of the locality. This bill incorporates SB 134 and is identical to HB 233.

*Patron - Wexton*

**SB266 Sheriffs; standard vehicle markings.** Allows sheriffs' offices to use marked motor vehicles painted in any solid color. Current law requires the sheriff to obtain the concurrence of the local governing body to use any color other than dark brown. This bill is identical to HB 1182.

*Patron - Dance*



**SB309 Annexation.** Extends the current moratorium on city annexations and county immunity actions by six years to 2024. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2022-2024 biennium. The Commission on Local Government is directed to evaluate the structure of cities and counties in the Commonwealth and the impact of annexation upon localities. In doing so, the Commission shall consider alternatives to the current moratorium on annexation by cities. The Commission shall issue its findings and recommended policy changes to the General Assembly no later than December 1, 2018. This bill is identical to HB 945.

*Patron - Hanger*

**SB329 BVU Authority; Board powers, officers; broadband; FOIA.** Reduces from nine to seven the number of directors on the Board of Directors (the Board) of the BVU Authority (the Authority) and alters the methods of their appointment and their powers and duties. The bill removes the current membership of the Board, comprising six citizens of Bristol, Virginia, two Bristol City Council members, and one member of the Board of Supervisors of Washington County, and institutes in their place a board of seven directors, comprising (i) one citizen of each of the following localities with its appointing authority: the City of Bristol, appointed by the Speaker of the House of Delegates; the City of Bristol, appointed by the Board; Scott County, appointed by the Speaker of the House of Delegates; and Washington County, appointed by the Senate Committee on Rules, and (ii) one member of the governing body of each of the localities of the City of Bristol, the Town of Abingdon, and Washington County, appointed by their respective governing bodies. The citizen of the City of Bristol who is appointed by the Board is required to be engaged in business and may be appointed initially by the Bristol City Council.

Upon the sale of the Authority's broadband service, BVU Opti-Net, the bill reduces the Board to five by removing the Abingdon Town Council member and the Scott County citizen.

The bill changes the operation of the Board by altering certain requirements regarding bylaws, eliminating the Board's authority to appoint an attorney, requiring an annual vote to retain independent legal counsel, and barring Board members from receiving financial compensation for service. The bill alters the authority of the Board president by eliminating his power to enter into long-term employment contracts with Authority employees. It also limits a president's term of service to a renewable term of three years and bars any severance agreement for the president amounting to more than one year's base salary. The bill requires that any decision of the Board related to water or sewer systems be made by a majority vote of the three Board members representing the City of Bristol and the Board member representing Washington County.

The bill clarifies that the Authority is prohibited from making charitable donations, contracting with or becoming a wireless service authority, or contracting with a locality to have it acquire property for the Authority by eminent domain. The bill requires the Authority to take certain actions in relation to any economic development project that uses funds allocated under an agreement with the Tennessee Valley Authority.

The bill requires the Board to adopt certain policies related to travel, expenses, and conflict of interests, to file statements of economic interests, and to undergo annual training on conflict of interests law. The bill eliminates several Authority-related records and open meeting exemptions from the Freedom of Information Act.

The bill changes the Authority's broadband-related powers, allowing it to offer and operate broadband and cable television service only in specified areas. The Authority's first broadband priority is to be the construction of wired broadband infrastructure in unserved areas, and its power to apply for grants for broadband projects is defined in conjunction with that priority. Any broadband networks the Authority builds are to be operated on an open-access basis.

The bill directs the Auditor of Public Accounts to examine the accounts of the Authority by July 1, 2016, and contains an emergency clause. This bill is identical to HB 1255.

*Patron - Carrico*

**SB361 Tree conservation ordinance.** Provides that the ordinance may allow a locality to post signs on private property that is proposed to be redeveloped with one single family home that notifies the public that an infill lot grading plan is pending for review before the locality. The locality may not require the applicant to be responsible for such posting, and the failure to post the property shall not be a ground for denial of such grading plan. This bill is identical to HB 647.

*Patron - Favola*

**SB389 Permitting or licensure; locality shall not require consent of homeowners' association.** Prohibits a locality from requiring consent of a condominium association, homeowners' association, or real estate cooperative prior to the issuance of a permit, certificate, or license, including a building permit or a business license. This bill is identical to HB 1146.

*Patron - Surovell*

**SB407 Onsite sewage systems; civil penalties.** Provides that any locality that has a record of the location of conventional onsite sewage systems and alternative discharging systems and that meets certain other criteria may adopt an ordinance establishing a uniform schedule of civil penalties for violations of specified provisions for the operation and maintenance of such systems. Currently, the provisions apply only to alternative onsite sewage systems. The bill also provides that no criminal action shall proceed if the violation is abated or remedied through civil enforcement.

*Patron - Wexton*

**SB414 Land Bank Entities Act.** Authorizes the establishment of a land bank entity by any locality or two or more localities combined to assist in addressing vacant, abandoned, and tax-delinquent real properties. Under the bill, the locality has the option of (i) creating an authority or a nonprofit, non-stock corporation or (ii) designating an existing nonprofit entity that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953 to carry out the functions of such land entity. The bill provides that land bank entities may acquire real property within participating localities or receive transfers and conveyances from the participating localities. Land bank entities are authorized to receive funding through grants and loans from participating localities, the Commonwealth, the federal government, and other public and private sources. In addition, the bill authorizes a locality to deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax-delinquent property in exchange for conveyance of the property by the owner to a land bank entity. The bill also authorizes a participating locality to remit to the land bank entity up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity for up to 10 years after the conveyance. This bill is a recommendation of the Virginia Housing Commission. This bill is identical to HB 268.

*Patron - Barker*

**SB468 Local stormwater utility; public-private partnership.** Authorizes the creation of public-private stormwater management programs and adds contracting for the construction and operation of stormwater management facilities to the list of activities for which a local stormwater utility is authorized to recover charges.

*Patron - Wagner*

**SB527 Bomb threats; reimbursement of expenses incurred in emergency response.** Authorizes any locality to provide by ordinance that a person convicted of a felony violation of the bomb threat statute or the statute that penalizes the incitement of a bomb threat shall be liable for the reasonable expense, not to exceed \$1,000, of an appropriate emergency response to the threat. Current law allows such an ordinance to subject a person to liability for the expense of the emergency response to an imitation version of a weapon of terrorism or fire bomb or other explosive device.

*Patron - Stuart*

**SB542 Delinquent sewer charges; lien; unlimited time.** Allows a locality that provides water or sewer service to a property owner, rather than to a tenant, to place a lien on the property receiving the service in the amount of the number of months of delinquent charges. Current law allows the placement of liens in the amount of up to three months of delinquent water and sewer charges.

*Patron - Obenshain*

**SB549 Conditional zoning.** Provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use applied for. An offsite proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility such that (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial.

*Patron - Obenshain*

**SB642 Virginia Beach arena.** Extends from 2043 to 2050 an existing contingent sunset provision relating to the Virginia Beach arena. This bill is identical to HB 138.

*Patron - DeSteph*

**SB769 Bedford; references to the former City of Bedford.** Removes references to the former City of Bedford in

certain sections of the Code. Bedford reverted to town status in 2013. This bill is identical to HB 65.

*Patron - Suetterlein*

## Failed

**HB108 Industrial development authorities; airports.** Provides that the term "industrial park" includes an industrial airport and grants industrial development authorities the power to operate an airport facility located within or adjoining an industrial park.

*Patron - Farrell*

**HB134 Cutting of grass, weeds, and other foreign growth.** Provides that in local grass cutting ordinances as applied to vacant developed property, foreign growth includes overgrown shrubs, trees, and other natural growth.

*Patron - Ward*

**HB158 Grass cutting; Caroline County.** Provides that Caroline County may apply its grass-cutting ordinance to those portions of agricultural land that are assessed for residential purposes. If Caroline County has not enacted an ordinance pursuant to this act by July 1, 2019, the provisions of this act shall expire.

*Patron - Orrock*

**HB192 Transition of certain towns to cities.** Provides an exception to the current moratorium on the granting of new city charters for towns with a population of at least 40,000 desiring to transition to city status.

*Patron - Minchew*

**HB199 Fire or rescue volunteers; mental health treatment; funding by locality.** Allows any locality to fund the cost of participation in mental health treatment and counseling programs by a member of a volunteer fire or rescue company. A mental health program in which such volunteers are eligible to participate must be comparable to an employee assistance program offered to paid employees of the locality.

*Patron - Boysko*

**HB257 Fire or rescue volunteers; mental health treatment; funding by locality.** Allows any locality to fund the cost of participation in mental health treatment and counseling programs by a member of a volunteer fire or rescue company. A mental health program in which such volunteers are eligible to participate must be comparable to an employee assistance program offered to paid employees of the locality.

*Patron - LaRock*

**HB288 Distribution of disposable plastic shopping bags prohibited; local option.** Allows any locality by ordinance to prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or meat; and garbage bags that are sold in multiples.

*Patron - Helsel*

**HB368 Disposition of certain firearms acquired by localities.** Provides that a locality is not required to offer for sale certain firearms that are surrendered to a locality accompanied by a signed request that the firearm be destroyed.

*Patron - Davis*

**HB383 FOIA; exclusion pursuant to nondisclosure agreement; building permits; site plans.** Removes any build-

ing permit submitted to a locality for final approval from an exclusion from the provisions of the Freedom of Information Act (FOIA) that otherwise protects confidential proprietary records of a private business pursuant to a nondisclosure agreement made with a public body and provides that any proposed plat, site plan, or plan of development that is officially submitted to the local planning commission for approval shall be considered a public record subject to disclosure under FOIA.

*Patron - Marshall, R.G.*

**[F]HB385 Discrimination; ordinances or regulations prohibiting.** Prohibits any political subdivision of the Commonwealth, including a locality or school board, from enacting an ordinance or adopting a regulation prohibiting discrimination on any basis other than race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability.

*Patron - Marshall, R.G.*

**[F]HB413 Fly Wisely Unmanned Aerial Systems Accelerator Authority.** Creates the Fly Wisely Unmanned Aerial Systems Accelerator Authority (the Authority) for the purpose of assisting the coal-producing areas of the Commonwealth to achieve some degree of economic diversification. The Authority's nine-member board of directors shall initiate and further plan for the development of commercial unmanned aerial systems in the Commonwealth with specific focus on southwestern Virginia and, to this end, shall keep informed as to the present requirements and likely future needs of any and all unmanned aerial systems facilities located within the Commonwealth. The Commonwealth shall remit to the authority \$400,000 conditioned upon the Virginia Coalfield Economic Development Authority matching the designated amount from the funds it has available for projects within the region.

*Patron - Kilgore*

**[F]HB422 Firearms businesses; local regulation; proximity to schools.** Authorizes any locality to adopt an ordinance regulating or prohibiting anyone from engaging in the business of selling firearms at retail, providing gunsmithing services, or operating a sports shooting range, within 1,000 feet of a school.

*Patron - Murphy*

**[F]HB424 Possession of firearms in school zone; regulation by locality.** Authorizes a locality to adopt an ordinance prohibiting an individual from knowingly possessing any firearm while such person is in a school zone, which is defined as the area within a distance of 1,000 feet of a school. Such ordinance shall not apply to (i) an individual who is on private property, (ii) an individual who possesses a valid concealed handgun permit, (iii) a firearm that is unloaded and is either in a closed container or a locked firearms rack in or upon a motor vehicle, (iv) an individual who possesses a firearm as part of the school's curriculum or activities or as part of a school-sponsored or school-authorized program, (v) an individual who possesses such firearm in accordance with a contract with the school, or (vi) a law-enforcement officer or armed security officer hired by a private or religious school. The penalty for an offense set forth in such ordinance shall not exceed a Class 1 misdemeanor.

*Patron - Simon*

**[F]HB460 Salaries; city council.** Raises the maximum salary of city council members by \$10,000 for cities with a population of 175,000 or more. Under current law, changes to existing salaries must be approved by the city council, and no increase in the salary of a member of council shall take effect

until July 1 after the next regularly scheduled general election of council members.

*Patron - McQuinn*

**[F]HB512 Provisions of subdivision ordinance.** Provides that a locality's subdivision ordinance shall include the submission of a certification by the developer of a common interest community subject to the Property Owners' Association Act (§ 55-508 et seq.) that the developer has reviewed the best practices developed under subdivision A 8 of § 54.1-2349 of the Code of Virginia and given consideration to the best practices in drafting the declaration.

*Patron - Bulova*

**[F]HB538 Use of unmanned aircraft to trespass; penalty.** Provides that a locality may by ordinance prohibit the use of unmanned aircraft to trespass upon the property of others within its boundaries. Such ordinance may provide that landowners may exclude such aircraft from a column of airspace extending from the surface of their land up to 350 feet above ground level. A person shall be guilty of a Class 4 misdemeanor if he operates such aircraft in violation of the ordinance.

*Patron - Minchew*

**[F]HB546 Additional powers of certain counties.** Grants counties with a population density greater than 2,000 persons per square mile certain powers related to taxation, borrowing, and payments for highway maintenance. Such powers currently are generally granted to cities and towns.

*Patron - Watts*

**[F]HB563 Disposition of firearms; licensed dealer right of action.** Provides a right of action to licensed dealers against a locality that fails to offer a firearm for sale prior to destroying the firearm. The bill provides that such a dealer may be entitled to reasonable costs and attorney fees.

*Patron - Lingamfelter*

**[F]HB570 Election of county police chief.** Requires an elected police chief in any county that votes by referendum to establish a county police force and requires any county that has established a county police force prior to the effective date of the bill to provide for the election of a police chief no later than January 1, 2018.

*Patron - Albo*

**[F]HB636 Clerk of circuit court; recordation of certain deeds.** Provides that the governing body of a county or city may by ordinance require the clerk of the circuit court not to accept any deed transferring real property for recordation unless the locality has certified that no delinquent county or city taxes, fines, or similar charges or taxes are a lien on the property described in the deed. The ordinance shall provide that the clerk of the circuit court shall accept without certification certain deeds submitted for recordation under the supervision of a closing attorney.

*Patron - Marshall, D.W.*

**[F]HB650 Local government; mandatory provisions of a subdivision ordinance; notice to homeowner associations.** Requires a locality to include in its subdivision ordinance a provision requiring a developer of property to give written notice to incorporated property owners' associations within a planned unit development at such time as prescribed in the ordinance under certain circumstances.

*Patron - Marshall, R.G.*

**[F]HB732 State and local transportation planning.** Provides that in Planning District 8 (Northern Virginia) the

Department of Transportation's review of a proposed rezoning shall consider the transportation impact of the proposed rezoning on all interstate, primary, and secondary roads within a five-mile radius of the proposed rezoning.

*Patron - LeMunyon*

**HB759 Taxes for certain local improvements; Orange County.** Adds Orange County to those localities with authority to impose taxes or assessments upon the abutting property owners for the initial improving and paving of an existing street provided not less than 50 percent of such abutting property owners who own not less than 50 percent of the property abutting such street request the improvement or paving. The law provides that the taxes or assessments permitted shall not be in excess of the peculiar benefits resulting from the improvements to such abutting property owners.

*Patron - Freitas*

**HB762 Electric Transmission Line Planning Association.** Authorizes three or more political subdivisions to form and maintain an Electric Transmission Line Planning Association. The purposes of an Association shall include representing and protecting the interests of member localities in planning activities, hearings, meetings, or discussions conducted by or involving a regional transmission entity, including any committee or other subgroup thereof, that relates to electric transmission lines that are proposed or considered for location within the Commonwealth. The governing body of any locality that is a member, or hereafter becomes a member, of an Association is authorized to appropriate funds to the Association or to provide goods and services to the Association.

*Patron - Freitas*

**HB770 Conditional zoning.** Provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use applied for. An off-site proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility, such that, (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment, and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial. The bill also provides that certain conditional rezoning proffers related to building materials, finishes, methods of construction, or design features on a new residential development are prohibited.

*Patron - Gilbert*

**HB795 City of Chesapeake; pilot program for problem-solving docket.** Authorizes the City of Chesapeake to

establish a pilot program to promote public safety and reduce recidivism by creating a problem-solving docket to address substance abuse, mental illness, issues unique to military service experienced by veterans, and issues related to previously incarcerated persons. The bill directs the Department of Behavioral Health and Developmental Services, the Department for Aging and Rehabilitative Services, and the Department of Veterans Services to provide assistance to the City of Chesapeake as requested. The bill provides for the City of Chesapeake to report on the pilot program to the Commissioners of the assisting agencies on or before November 30, 2017. The bill has an expiration date of July 1, 2018.

*Patron - Leftwich*

**HB822 Cable television operators; billing; explanation of tax charges.** Requires that bills to subscribers from a cable operator include a concise explanation of any itemized charge that the cable operator attributes to taxes, educational fees, or other governmental obligations. The bill provides that in lieu of printing the explanatory text on the bill, the cable operator may include the address of a website that displays the explanation.

*Patron - LeMunyon*

**HB941 Financing of clean energy programs.** Expands the scope of clean energy programs by including certain residential properties that are currently excluded from the voluntary special lien assessment provisions.

*Patron - Toscano*

**HB1039 Sanctuary policies prohibited.** Provides that no locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law.

*Patron - Pogge*

**HB1047 Use of premises for illegal consumption of alcohol; civil penalty.** Allows any locality by ordinance to provide that the owner of any property is liable for a civil penalty of \$100 for the use of the premises for the illegal consumption of alcohol, provided the owner knew or reasonably should have known that the premises was being used for this purpose.

*Patron - Rasoul*

**HB1140 Subdivision plats; approval before recording.** Prohibits a circuit court clerk from recording a subdivision plat unless the plat is approved by the local planning commission and meets other requirements.

*Patron - Ransone*

**HB1164 Local stormwater utility; waiver of charges; religious body.** Requires any locality establishing a stormwater management utility to waive charges for real estate exclusively occupied or used by a church or religious body for religious worship or for the residence of its minister.

*Patron - Morris*

**HB1217 Local law enforcement and State Police; enforcement of executive actions or orders.** Prohibits local law enforcement or the Department of State Police from cooperating with a federal agency through the furnishing of police services for the purpose of enforcing an executive action or order related to firearms, ammunition, or components or combination thereof that has not been made law by an act of Congress.

*Patron - Taylor*

**HB1293 Local employee grievance procedure.** Provides that qualifying grievances shall advance to either an impartial panel hearing or a hearing before an administrative

hearing officer as agreed upon by both parties, as set forth in the locality's grievance procedure; however, if both parties cannot come to an agreement, an impartial panel shall be used. The bill contains technical amendments.

*Patron - Hugo*

**HB1297 Certain uses in industrial zones; cost of infrastructure.** Provides that a zoning ordinance shall provide that any proposed data center, or similar land use, that will require utilization of a 150 kilovolt or greater electrical transmission line shall be located only in an area that has been zoned for industrial use for a period of at least 18 months prior to final governing body approval. Alternatively, a governing body may authorize a data center, or similar land use, that will require utilization of a 150 kilovolt or greater electrical transmission line to be located outside an area that has been zoned for industrial use for a period of at least 18 months if the owner of the data center is required to pay for all infrastructure and utilities needed to service the data center including a requirement imposed by a locality that transmission lines carrying 150 KV or greater to such data center be placed underground.

*Patron - Marshall, R.G.*

**HB1307 Vacant building registration.** Provides that a locality may by ordinance establish alternative criteria in determining which buildings are subject to its vacant building registration program. Currently, a building must meet an existing definition of "derelict building."

*Patron - Herring*

**HB1325 BVU Authority; Board powers, officers; broadband; FOIA.** Alters the powers and duties of the Board of Directors (Board) of the BVU Authority (the Authority). The bill changes the operation of the Board by altering certain requirements regarding bylaws, eliminating the Board's authority to appoint an attorney, requiring an annual vote to retain independent legal counsel, and barring Board members from receiving financial compensation for service. The bill alters the authority of the Board president by eliminating his power to enter long-term employment contracts with Authority employees. It also limits the president's term of service to a renewable term of three years and bars any severance agreement for the president amounting to more than one year's base salary. The bill requires that any decision of the Board related to water or sewer systems be made by a majority vote of the three Board members representing the City of Bristol.

The bill clarifies that the Authority is prohibited from making charitable donations, contracting with or becoming a wireless service authority, or contracting with a locality to have it acquire property for the Authority by eminent domain. The bill also eliminates several Authority-related records and open meeting exemptions from the Freedom of Information Act (FOIA).

The bill changes the Authority's broadband-related powers, allowing it to offer and operate broadband and cable television service only in specified areas. The Authority's first broadband priority is to be the construction of wired broadband infrastructure in unserved areas, and its power to apply for grants for broadband projects is defined in conjunction with that priority. Any broadband networks the Authority builds are to be operated on an open-access basis.

The bill contains an emergency clause.

*Patron - O'Quinn*

**HB1337 Local fiscal stress.** Provides that a task force appointed by the Governor to review state mandates imposed on localities and to recommend temporary suspension or per-

manent repeal of such mandates, in making its recommendations, shall consider the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development and the impact of such fiscal stress upon the ability of certain localities to meet state mandates. In addition to its other responsibilities, the task force shall consider and recommend possible state incentives to encourage those localities that are designated by the Commission on Local Government as having above average fiscal stress to take actions or adopt procedures that may help alleviate such fiscal stress.

*Patron - James*

**HB1339 Localities; regulation of firearms in government buildings.** Allows localities to regulate the possession of firearms, ammunition, or components or combination thereof in or the carrying of firearms, ammunition, or components or combination thereof into any building owned or used by such locality for governmental purposes. Current law prohibits localities from adopting or enforcing any ordinance, resolution, or motion regarding firearms, ammunition, or components or combination thereof unless expressly authorized by statute.

*Patron - Price*

**SB55 Distribution of disposable plastic shopping bags prohibited; local option.** Allows any locality by ordinance to prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or newspapers; and garbage bags that are sold in multiples.

*Patron - Locke*

**SB56 Cutting of grass, weeds, and other foreign growth.** Provides that in local grass cutting ordinances as applied to vacant developed property, foreign growth includes overgrown shrubs and trees.

*Patron - Locke*

**SB80 Tree conservation; local ordinances.** Authorizes any locality in Planning District 8 to adopt certain ordinances providing for the conservation of trees during the land development process. Currently, only a locality in Planning District 8 that meets certain population density criteria and is classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act is authorized to adopt such ordinances.

*Patron - Wexton*

**SB134 Fire or rescue volunteers; mental health treatment; funding by locality.** Allows any locality to fund the cost of participation in mental health treatment and counseling programs by a member of a volunteer fire or rescue company. A mental health program in which such volunteers are eligible to participate must be comparable to an employee assistance program offered to paid employees of the locality. This bill was incorporated into SB 79.

*Patron - Favola*

**SB138 Firearms retailers; local regulation; proximity to schools.** Authorizes any locality to adopt an ordinance regulating or prohibiting anyone from engaging in the business of selling firearms at retail within 1,000 feet of a school.

*Patron - Favola*

**SB153 Taxes for certain local improvements; Orange County.** Adds Orange County to those localities with authority to impose taxes or assessments upon the abutting property owners for the initial improving and paving of an existing street provided not less than 50 percent of such abut-

ting property owners who own not less than 50 percent of the property abutting such street request the improvement or paving. The law provides that the taxes or assessments permitted shall not be in excess of the peculiar benefits resulting from the improvements to such abutting property owners.

*Patron - Reeves*

**[F]SB251 Advertisement of legal notices by certain towns.** Provides that in any town within the Counties of Fairfax, Loudoun, and Prince William that does not have a newspaper of general circulation located within its boundary, legal notices may be published on the locality's website instead of in a newspaper having general circulation in the locality.

*Patron - Black*

**[F]SB371 Advertisement of legal notices by certain towns.** Provides that in any town within the Counties of Fairfax, Loudoun, and Prince William that does not have a newspaper of general circulation located within its boundary, legal notices may be published on the locality's website instead of in a newspaper having general circulation in the locality.

*Patron - Wexton*

**[F]SB469 Local stormwater utility; payment to BMP operator accepting runoff.** Requires any locality that operates a local stormwater management program to pay the private operator of a nutrient-reducing best management practice (BMP) if it requires such operator to accept stormwater runoff from an upstream property. The BMP operator is to be paid 50 percent of the stormwater utility charge assessed to the upstream owner.

*Patron - Wagner*

**[F]SB481 Vacant building registration.** Requires either that a vacant building be vacant for 12 months or that it meet the definition of "derelict building" under § 15.2-907.1 before cities and certain towns may require the building's owner to register it and pay an annual registration fee. Current law requires that such a building comply with both the vacancy period and the definition of "derelict building."

*Patron - Ebbin*

**[F]SB547 Water and sewer service provided by locality.** Provides that certain liens for the unpaid fees and charges of a lessee or tenant shall be placed only if the owner of the property has agreed in writing at the time service is initiated to be responsible for such unpaid fees and charges.

*Patron - Edwards*

**[F]SB629 Special use permit; camping in tent or recreational vehicle.** Prohibits any locality from barring or requiring a special use permit for camping by a landowner and his family or nonpaying guests in a tent or recreational vehicle on the landowner's property for a total of no more than two months per year.

*Patron - Stanley*

**[F]SB681 Annexation moratorium.** Extends the current moratorium on city annexations and county immunity actions by two years to 2020. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2016-2018 biennium.

*Patron - Vogel*

**[F]SB705 Liability of sanctuary cities for certain injuries and damages.** Provides that a sanctuary city, defined in the bill as any locality that adopts any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law, shall

be responsible for the full amount of any personal injury or property damage caused by an illegal alien within such locality.

*Patron - Black*

**[F]SB720 Local environmental cleanup programs.** Allows localities to establish a voluntary environmental cleanup program to provide recognition to retailers that establish practices such as credit to consumers who use reusable bags or the recycling of plastic bags. The bill allows for imposition of a fee on retailers that do not participate in the program and allows the locality to use collected fees for environmental cleanup.

*Patron - Lewis*

**[F]SB735 Local planning commission; action on proposed plat; commercial real estate.** Shortens the period within which a local planning commission or other agent must act on a proposed plat, site plan, or plan of development that solely involves parcels of commercial real estate. The bill shortens from 60 days to 30 days the period within which the commission shall act on a plat that has been officially submitted for approval and reduces from 45 days to 20 days the period for action on a plat that the commission has previously disapproved. The bill reduces from 10 business days to seven business days the period within which the commission is required to forward the plat to a state agency if a review by the agency is required, and the agency's initial review period is reduced from 45 days to 20 days. The agency's second review period, for a plat that has previously been disapproved, is reduced from 45 days to 15 days. Once a plat receives all state agency approvals, the period for planning commission action on it is reduced from 35 days to 15 days. Finally, the bill reduces the periods of time that must pass before the subdivider is allowed to petition the circuit court for a decision on the plat from 60 days to 30 days after official submission for approval, from 45 days to 20 days after official resubmission following a previous disapproval, and from 35 days to 15 days from receipt of any state agency response. The bill also reduces the notice period required for the subdivider's petition to the court from 10 days to five days.

*Patron - Obenshain*

## Carried Over

**[C]HB129 Local government; publication of notices for charter changes, referenda, and public hearings, etc.; alternatives.** Gives localities alternatives to publication in a newspaper of general circulation in the locality for legal ads and other notices of proposed action. These alternatives include publication in at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality, including such newspaper's online publication, if any; (ii) on the locality's website; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, the bill provides that any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. In selecting the methods of publication, the bill requires the locality to publish/advertise in a manner gauged to ensure that the maximum number of persons within the locality are

likely to be informed of the existence and content of the proposed action. The bill contains technical amendments.

*Patron - Bell, Richard P.*

**HB286 Legal notices; advertisement by locality.** Allows localities with a population of 50,000 or greater to meet certain legal notice requirements by advertising on local radio or television stations or publishing on the locality's website instead of publishing in a newspaper of general circulation.

*Patron - Head*

**HB790 Solid waste disposal fee; Pittsylvania County.** Removes Pittsylvania County from the list of counties authorized to levy certain fees for the disposal of solid waste.

*Patron - Adams*

**HB956 Advertisement of legal notices by certain towns.** Provides that in any town within the Counties of Fairfax, Loudoun, and Prince William, legal notices may be published on the locality's website instead of in a newspaper having general circulation in the locality.

*Patron - Keam*

**HB1078 Advertisement of legal notices by certain towns.** Provides that in any town within the Counties of Fairfax, Loudoun, and Prince William that does not have a newspaper of general circulation located within its boundary, legal notices may be published on the locality's website instead of in a newspaper having general circulation in the locality.

*Patron - Boysko*

**HB1104 Firefighters employed by localities; entitlement to continued compensation during period of quarantine or isolation.** Provides that a firefighter who is the subject of an order of quarantine or an order of isolation as a result of potential exposure that occurred in the line of duty is entitled to the continued payment of compensation from his local employer during the period of such quarantine or isolation.

*Patron - Murphy*

**HB1347 Wireless communications infrastructure.** Prohibits a locality from charging an application fee, consulting fee, or other fee associated with the submission, review, processing and approval of an application to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure or utility pole that is not required for similar types of commercial development within the locality's jurisdiction. The measure permits a locality to charge fees for the costs directly incurred by it relating to the granting or processing of an application. Such fees are capped at the lesser of the amount charged by the locality for a building permit for any other type of commercial development or land use development, or \$500 for a collocation application, small cell facility or distributed antenna system or \$1,000 for a new wireless support structure or for a substantial modification of a wireless support structure. Localities are prohibited from (i) requiring an applicant to submit information about, or evaluate an applicant's business decisions with respect to its designed service, customer demand for service, or quality of its service to or from a particular area or site, or information that concerns the specific need for the wireless support structure; (ii) evaluating an application based on the availability of other potential locations for the placement of wireless support structures or wireless facilities; (iii) dictating the type of wireless facilities, infrastructure or technology to be used by the applicant; and (iv) requiring the removal of existing wireless support structures or wireless facilities, as a condition for approval of an application. The measure grants to any domestic or foreign telecommunications

provider or broadband provider to construct, maintain, and operate conduit, poles, cable, switches and related appurtenances and facilities along, across, upon and under any public highway or rights-of-way in the Commonwealth. Localities are barred from (a) imposing certain environmental testing, sampling, or monitoring requirements or (b) instituting any moratorium on the permitting, construction or issuance of approvals of new wireless support structures, substantial modifications of wireless support structures, or collocations.

*Patron - Heretick*

**SB15 Local economic development.** Provides that the Virginia income tax net revenue and sales and use tax generated by certain corporations or limited liability companies within a qualified locality be transferred to the qualified locality under certain conditions. A qualified locality is one that (i) has made application to the Virginia Economic Development Partnership Authority for a Major Employment and Investment Project Site Planning Grant and has been rejected for such grant and (ii) has expended local funds for the economic development purposes specified in the requirements for such grant provided by statute and in guidelines of the Authority. The bill provides that the total amount eligible to be returned to a qualified locality shall not exceed \$5 million for any single economic development project.

*Patron - Garrett*

**SB530 Cable franchises.** Provides that local ordinances to adopt a cable franchise shall require that a cable operator make service available in areas where the average occupied residential household density is not less than 20 occupied residential dwelling units per mile as measured from the physical address of the nearest dwelling or building at which service from the provider is available. The current statute requires a standard of not less than 30 occupied residential dwelling units per mile as measured from the nearest technically feasible point on the cable operator's active cable system.

*Patron - Stuart*

## Courts Not of Record

### Passed

**HB537 Local fees and fines.** Directs the clerk of the circuit court to pay local fees and fines collected by the general district or juvenile and domestic relations district courts directly to the local government.

*Patron - Minchew*

**HB541 Law-enforcement records concerning juveniles; disclosure.** Allows the disclosure of law-enforcement records concerning a juvenile who is referred to a court services unit-authorized diversion program. The bill prohibits further disclosure of such records by the diversion program or participants in the program. Law-enforcement officers may prohibit disclosure to protect a criminal investigation or intelligence information.

*Patron - Watts*

**HB577 Interpleader; earnest money deposits.** Allows the general district court, in an interpleader case involving an earnest money deposit held in escrow by a real estate broker, to escheat the funds to the Commonwealth to be credited to the Virginia Housing Trust Fund upon default of the stakeholders, provided that such funds have been abandoned for more than one year from the date of written notice to all



stakeholders and claimants and the plaintiff and defendants are in default in the interpleader action.

*Patron - Robinson*

**[P]HB671 Appointed counsel for parents or guardians.** Requires court-appointed counsel for a parent or guardian of a child in cases of alleged abuse or neglect or termination of parental rights to be selected from the list of attorneys who qualify as guardians ad litem compiled and maintained by the Judicial Council of Virginia. If no attorney who is on the list is reasonably available or appropriate considering the circumstances of the parent or case, a judge in his discretion may appoint any discreet and competent attorney who is admitted to practice law in Virginia. This bill is identical to SB 7.

*Patron - Peace*

**[P]HB1056 Family abuse protective orders; extensions.** Corrects a reference to a member of the respondent's family or household to be consistent with the defined term "family or household member," relating to petitioners in proceedings for extensions of protective orders in cases of family abuse.

*Patron - Bell, Robert B.*

**[P]HB1213 Minors; education records; evidence.** Provides that in any proceeding where a juvenile is alleged to have committed a delinquent act that would be a misdemeanor if committed by an adult on school property, property solely being used for a school-related or school-sponsored activity, or a school bus, the juvenile may introduce into evidence as relevant to whether he acted intentionally or willfully any document created prior to the commission of the delinquent act that relates to certain educational plans or behavioral assessments. The bill provides that such documents shall be admitted as evidence of the facts stated therein, provided that the minor gives notice of his intent to introduce such evidence and copies of such evidence to the attorney for the Commonwealth at least 10 days before trial. The bill allows such reports or documents to be placed under seal by the court. This bill incorporates HB 1200.

*Patron - Albo*

**[P]SB7 Appointed counsel for parents or guardians.** Requires court-appointed counsel for a parent or guardian of a child in cases of alleged abuse or neglect or termination of parental rights to be selected from the list of attorneys who qualify as guardians ad litem compiled and maintained by the Judicial Council of Virginia. If no attorney who is on the list is reasonably available or appropriate considering the circumstances of the parent or case, a judge in his discretion may appoint any discreet and competent attorney who is admitted to practice law in Virginia. This bill is identical to HB 671.

*Patron - Stanley*

**[P]SB57 Number of district court judges.** Increases from seven to eight the number of juvenile and domestic relations district court judges in the 19th Judicial District (Fairfax, Fairfax County) and increases from three to four the number of general district court judges in the 25th Judicial District (Covington, Lexington, Staunton, Buena Vista, Waynesboro, Highland, Augusta, Rockbridge, Bath, Alleghany, Botetourt, and Craig). This bill is a recommendation of the Committee on District Courts. This bill incorporates SB 347. The bill has a delayed effective date of July 1, 2018.

*Patron - Howell*

**[P]SB454 Juvenile court; retained jurisdiction; procedures; penalties.** Specifies procedures to be used for adults under the age of 21 who are subject to the retained jurisdiction of the juvenile court for criminal offenses committed as juvenile.

The bill requires that a proceeding against such person be commenced by petition and that parents not be notified or involved. The bill specifies dispositional alternatives and a maximum jail sentence. The bill increases the maximum jail sentence to 12 months for each offense, not to exceed a total of 36 months. Under current law, the maximum jail sentence is 12 months for a single offense or multiple offenses. The bill also states that such persons are entitled to good conduct credit. As introduced, this bill was a recommendation of the Virginia Criminal Justice Conference.

*Patron - Stanley*

## Failed

**[F]HB113 Retention of case records; electronic format.**

Allows the clerk of a district court to destroy the papers, records, and documents in all cases after three years if such papers, records, and documents have been microfilmed or converted to an electronic format. Under current law, records for certain misdemeanors cannot be destroyed regardless of whether they have been preserved electronically.

*Patron - Lindsey*

**[F]HB395 Expungement of juvenile records; nonviolent misdemeanors.** Provides that the records connected with any proceeding concerning a juvenile shall be eligible for expungement when the juvenile has attained the age of 18 years if the underlying proceeding was for a nonviolent misdemeanor and the juvenile has completed all terms of sentencing and probation, including the payment of any fines, costs, or restitution.

*Patron - Heretick*

**[F]HB488 Status offenders; willful and material violation of court order or terms of probation; notice; orders of disposition for violation.** Removes the option for a court to order a status offender be detained in a secure facility for a willful and material violation of a court order or term of probation.

*Patron - McClellan*

**[F]HB589 Filing of petitions and motions by designated nonattorney employees of the Department of Social Services; practice of law; duties of local directors of social services.** Allows designated nonattorney employees of the Department of Social Services to file certain petitions and motions relating to child protective services and foster care services and provides that such filing is not considered the unauthorized practice of law. The bill further requires a local director of social services to designate nonattorney employees who are authorized to file certain petitions and motions relating to child protective services, foster care services, and support and states that all petitions or motions filed by nonattorney employees of local departments of social services prior to July 1, 2016, are valid.

*Patron - Campbell*

**[F]HB709 Juvenile records; expungement; certain felony larceny offenses.** Provides for the expungement of juvenile records for certain offenses that would be felony larceny if committed by an adult if the juvenile has not been adjudicated delinquent of any other felony larceny offense and the amount of the goods or chattels taken by the juvenile was less than \$750. Under current law, juvenile records of all delinquent acts that would be a felony if committed by an adult are retained.

*Patron - Watts*



**HB855 Number of judges; general district court; 25th Judicial District.** Adds a fourth judge to the maximum number allowed in the 25th Judicial District, general district court (Alleghany, Augusta, Bath, Botetourt, Buena Vista, Covington, Craig, Highland, Lexington, Rockbridge, Staunton, and Waynesboro). This bill is a recommendation of the Committee on District Courts.

*Patron - Cline*

**HB882 Number of judges; juvenile and domestic relations district court judges; Fairfax, Fairfax County.** Adds one juvenile and domestic relations district court judge to the 19th Judicial District (Fairfax, Fairfax County). This bill is a recommendation of the Committee on District Courts. This bill was incorporated into HB 1125.

*Patron - Hugo*

**HB960 Fines under certain local ordinances paid to local school division and Literary Fund.** Provides that fines imposed under certain local ordinances dealing with DUI, disposition of children in juvenile and domestic relations district courts, and appropriate provisions of Title 46.2 (Motor Vehicles) of the Code of Virginia, when those ordinances incorporate Code of Virginia provisions, are to be paid in the following proportions: 50 percent to the school division of the locality in which the fines were imposed and 50 percent into the state treasury to the credit of the Literary Fund.

*Patron - Carr*

**HB1125 Number of district court judges.** Increases from seven to eight the number of juvenile and domestic relations district court judges in the 19th Judicial District (Fairfax, Fairfax County) and increases from three to four the number of general district court judges in the 25th Judicial District (Covington, Lexington, Staunton, Buena Vista, Waynesboro, Highland, Augusta, Rockbridge, Bath, Alleghany, Botetourt, and Craig). This bill is a recommendation of the Committee on District Courts. This bill incorporates HB 882.

*Patron - Loupassi*

**HB1295 Abuse or neglect of child; definitions of "abused or neglected child" and "child in need of services"; penalty.** Removes the exemption for children under only the treatment of a spiritual provider pursuant to the tenets of a church or religious denomination from the definitions of "abused or neglected child" and "child in need of services" and from the consideration of whether an individual has committed felony child abuse or neglect.

*Patron - Rasoul*

**SB77 Filing fees; motions to modify custody or visitation orders.** Provides for a \$25 filing fee for any motion filed in the juvenile and domestic relations district court to modify a custody or visitation order.

*Patron - Wexton*

**SB147 Number of general district court judges; Twenty-Third Judicial District.** Increases from four to five the number of general district court judges in the Twenty-Third Judicial District (Roanoke, Salem, Roanoke County).

*Patron - Edwards*

**SB347 Number of judges; general district court; 25th Judicial District.** Adds a fourth judge to the maximum number allowed in the 25th Judicial District, general district court (Alleghany, Augusta, Bath, Botetourt, Buena Vista, Covington, Craig, Highland, Lexington, Rockbridge, Staunton, and Waynesboro). This bill is a recommendation of the Committee on District Courts. This bill was incorporated into SB 57.

*Patron - Deeds*

**SB432 Admission of minors 14 years of age or older for inpatient mental health treatment; nonconsenting parents.** Provides a process by which a minor 14 years of age or older may be admitted for inpatient treatment at a mental health facility without the consent of his parents. The bill allows the minor to obtain a preadmission screening report from the local community services board. If after the minor's parents have been given the opportunity to read and discuss the report with the preparer of the report the parents still object to admission, the minor may be admitted to a willing mental health facility on the basis of the findings in the report. The bill requires judicial review of the admission, and the nonconsenting parent shall be given the opportunity to be heard. The bill further provides that a minor 14 years of age or older shall be deemed an adult for the purposes of consenting to inpatient mental health treatment.

*Patron - Barker*

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## Carried Over

**HB1241 Standards for guardians ad litem appointed in custody and visitation cases; certification form; substitute judges in custody and visitation proceedings.** The bill requires a guardian ad litem appointed in a custody or visitation case to submit to the court a form certifying that he has complied with all applicable standards. The bill directs the Judicial Council of Virginia, in conjunction with the Virginia State Bar and the Virginia Bar Association, to promulgate such a form by July 1, 2017. The bill prohibits a substitute judge from presiding over any custody, visitation, or support proceeding held in a juvenile and domestic relations district court.

*Patron - Ingram*

**SB509 Interpleader; earnest money deposits.** Allows the general district court, in an interpleader case involving an earnest money deposit held in escrow by a real estate broker, to escheat the funds to the Commonwealth to be credited to the Virginia Housing Trust Fund upon default of one or more of the stakeholders.

*Patron - Sturtevant*

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## Courts of Record

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### Passed

**HB64 Transmission of case papers to appellate court; acceptability of electronic case papers.** Provides that, upon agreement of the general district court and the appellate court, case papers shall be transmitted electronically to the appellate court by an electronic method approved by the Executive Secretary of the Supreme Court, with the exception of exhibits that cannot be electronically transmitted. The bill allows the appellate court, in jurisdictions where an agreement is in effect, to transmit the case papers by electronic submission to the general district court where the case is to be returned to such court. The bill has a delayed effective date of January 1, 2017.

*Patron - Kilgore*

**HB442 When circuit courts open; Judicial Council.** Allows the Judicial Council to determine when the circuit courts are open subject to the current allowances in the Code for holidays and safety concerns. The bill also clarifies that these provisions do not empower the Judicial Council to set the

hours of operation of a circuit court clerk's office. This bill is identical to SB 590.

*Patron - Loupassi*

**[P]HB624 Retention of court records; violent felonies and acts of violence.** Requires that the circuit court case files involving a conviction on crimes that are considered to be violent felonies or acts of violence be retained for 50 years or until the sentence term ends, whichever comes later.

*Patron - Bell, Robert B.*

**[P]HB1105 Virginia Criminal Sentencing Commission; recidivism rate for certain released federal prisoners; report.** Directs the Virginia Criminal Sentencing Commission to calculate annually the recidivism rate of federal prisoners released by the U.S. Bureau of Prisons whose sentences were retroactively reduced pursuant to changes in the federal sentencing guidelines for crimes committed by such prisoners in the Commonwealth. The Commission shall report the annually calculated recidivism rate to the Chairmen of the House and Senate Committees for Courts of Justice by December 31 of each year or, if the Commission was unable to acquire the necessary information to perform the calculation, the Commission shall report any information regarding such recidivism rate that the Commission was able to acquire. The bill has an expiration date of January 1, 2018.

*Patron - Bell, Robert B.*

**[P]SB87 Circuit court clerks; disaster recovery plan for electronic land records.** Requires circuit court clerks to maintain a disaster plan for recovery of any land record in possession of the clerk that is maintained as an electronic record. The bill has a delayed effective date of July 1, 2017.

*Patron - Garrett*

**[P]SB590 When circuit courts open; Judicial Council.** Allows the Judicial Council to determine when the circuit courts are open subject to the current allowances in the Code for holidays and safety concerns. The bill also clarifies that these provisions do not empower the Judicial Council to set the hours of operation of a circuit court clerk's office. This bill is identical to HB 442.

*Patron - Obenshain*

## Failed

**[F]HB39 Court reporters; indigent persons in a civil case.** Provides that in a civil case in which a litigant is a person deemed indigent the court shall not require use of a court reporter.

*Patron - Kilgore*

**[F]HB607 Violent felony offenses; prostitution.** Adds to the definition of violent felony for the purposes of the sentencing guidelines the following prostitution-related offenses: (i) solicitation of prostitution from a minor, (ii) pandering, (iii) procuring a person for prostitution, and (iv) receiving money from the earnings of a prostitute.

*Patron - Bell, Robert B.*

**[F]HB1057 Establishment of separate court dockets; guidelines.** Requires the Supreme Court of Virginia to promulgate guidelines for the establishment of separate dockets by any court in the Commonwealth. The bill provides further that cases heard on a separate docket established by any court shall be treated in the same manner and subject to the same dispositions as cases not heard on such special docket.

*Patron - Bell, Robert B.*

**[F]HB1116 Receipt of pleadings despite failure to pay fees in a civil case.** Provides that a circuit court clerk shall receive and file a complaint or petition commencing a civil action, or a counterclaim or claim impleading a third-party defendant, despite a failure of the filer of the pleading to pay the required filing fees and writ taxes. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Loupassi*

**[F]HB1153 Temporary recall of retired judges; who may be recalled.** Allows persons retired under the Virginia Retirement System to sit as temporary recalled judges if they have prior service as a judge and such persons do not engage in the practice of law within or without the Commonwealth.

*Patron - Kilgore*

**[F]SB63 Clerks of court; money to be deposited into interest-bearing accounts.** Requires the bank accounts into which clerks of court deposit money to be interest-bearing.

*Patron - Ruff*

**[F]SB72 Jury trial; scheduling.** Prohibits the first day of a jury trial from being scheduled on a general election day.

*Patron - Wexton*

**[F]SB146 Maximum number of circuit court judges.** Increases from five to six the maximum number of circuit court judges in the 23rd Judicial Circuit (Roanoke, Salem, Roanoke County).

*Patron - Edwards*

**[F]SB355 Judicial Nominations Commission; local judicial nomination committees.** Creates a 15-member statewide Judicial Nominations Commission (Commission), elected by the General Assembly, to recommend appellate judicial candidates to the General Assembly and the Governor. The bill requires that the Commission include at least one member from each of Virginia's 11 congressional districts, that five members be attorneys, and that 10 members be citizens who have never been licensed to practice law. Initially staggered, the terms of members will be four years. The Commission's recommendations are nonbinding. The local judicial nominations committees are established in each circuit through appointment by the General Assembly members who represent each circuit. The number of attorneys may not exceed 30 percent of the entire panel. The committees are required to maximize public input into their review process. The committees' recommendations of up to three candidates for each vacancy are not binding on the General Assembly. A delegation may opt out of this process by certifying to the clerks of each house that the delegation has in place a process that ensures participation of each delegation member and participation by the general public in the nomination process.

*Patron - Deeds*

**[F]SB496 Judicial Candidate Evaluation Committee; Virginia State Bar.** Codifies the procedures used by the State Bar to evaluate and recommend candidates for election by the General Assembly to the appellate courts, the federal courts, and the State Corporation Commission.

*Patron - Sturtevant*

## Carried Over

**[C]HB251 Cover sheets; multiple deeds or instruments concerning the same interest in real property; certificates of satisfaction.** Allows one cover sheet to be used for multiple deeds or instruments filed concerning the same interest in real

property. The bill further allows one cover sheet to be used where a deed or other instrument has multiple titles. The bill provides that, where one cover sheet is required, only one filing fee may be assessed by the clerk. Finally, the bill requires only one certificate of satisfaction to release liens when full or partial payment has been made on a debt secured by one or more instruments.

*Patron - Minchew*

## Crimes and Offenses Generally

### Passed

**HB25 Tampering, etc., with firefighting equipment; penalty.** Provides that a person who injures, destroys, removes, tampers with, or otherwise interferes with the operation of (i) any firefighting equipment or apparatus or (ii) any emergency medical services vehicle is guilty of a Class 1 misdemeanor.

*Patron - Habeeb*

**HB170 Possession of controlled paraphernalia.** Provides that possession of controlled paraphernalia and distribution of controlled paraphernalia, both of which are punishable as Class 1 misdemeanors, are distinct offenses.

*Patron - Albo*

**HB206 Transfer of certain firearms; identification requirement.** Allows Virginia residents to purchase a firearm by presenting only one photo-identification form issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense that demonstrates that the prospective purchaser resides in Virginia. The bill provides that a member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or his Leave and Earnings Statement. Current law requires photo identification and another document that establishes residency, such as a lease or utility bill, and that includes an address that matches the photo identification.

*Patron - Webert*

**HB332 Concealed handgun permit; judges exempt.** Provides that a judge or justice of the Commonwealth may carry a concealed handgun throughout the Commonwealth without a permit. This bill is identical to SB 544.

*Patron - Miller*

**HB485 Assault; family or household member.** Provides that a first offense of simple assault against a family or household member may be subject to deferral and dismissal. Under current law, first offender status is only available to a person who commits assault and battery against a family or household member.

*Patron - McClellan*

**HB560 Brandishing a firearm; intent; penalty.** Requires that a person pointing, holding, or brandishing a firearm or similar weapons must have the intent to induce fear in the mind of another or know or reasonably should know that his conduct would induce such fear in order to be convicted of the crime of brandishing. Currently, the perpetrator's intent is not an element of the offense in the statute.

*Patron - Lingamfelter*

**HB610 Violations of protective orders; penalty.** Provides that it is a Class 6 felony to stalk a party protected by protective order or to commit an assault and battery upon a party protected by a protective order if such assault and battery results in bodily injury. Currently, the Class 6 felony is only applicable if the person commits an assault and battery that results in serious bodily injury to the protected party.

*Patron - Bell, Robert B.*

**HB752 Stalking; penalty.** Provides that contacting or following or attempting to contact or follow the person at whom stalking conduct is directed after being given actual notice that the person does not want to be contacted or followed because such actions place the person in fear of death, criminal sexual assault, or bodily injury is prima facie evidence that the person intended to place the other person, or reasonably should have known that the other person was placed, in fear of death, criminal sexual assault, or bodily injury to himself or a family or household member. This bill is a recommendation of the Virginia State Crime Commission.

*Patron - Bell, Robert B.*

**HB766 Carrying concealed handguns; protective orders.** Authorizes any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm and is protected by an unexpired protective order to carry a concealed handgun for 45 days after the protective order was issued. The bill provides that if the person issued the protective order applies for a concealed handgun permit during such 45-day period, such person will be authorized to carry a concealed handgun for an additional 45 days and be given a copy of the certified application, which shall serve as a de facto concealed handgun permit. The bill requires such person to have the order or certified application and photo identification on his person when carrying a concealed handgun and to display them upon demand by a law-enforcement officer; failure to do so is punishable by a \$25 civil penalty. This bill is identical to SB 626.

*Patron - Gilbert*

**HB784 Possession of firearms by persons adjudicated delinquent; military service exception.** Provides that an individual who was adjudicated delinquent when 14 years of age or older of a delinquent act that would be a felony if committed by an adult and has completed a term of enlistment of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge is not disqualified from obtaining a concealed handgun permit and may possess or transport any firearm or ammunition for a firearm, any stun weapon, or any explosive material. Under current law, such an individual would be eligible to apply for a concealed handgun permit and to possess a firearm at age 29. The bill does not apply to individuals adjudicated delinquent of certain serious felonies.

*Patron - Adams*

**HB810 Transfer of assault weapon; proof of citizenship.** Makes consistent the type of identification and other documentation that a purchaser of a firearm must present when purchasing any type of firearm from a licensed dealer by removing the additional requirement for the purchase of an assault weapon that a person who purchases such a weapon must present proof of citizenship. The bill does not alter the provisions prohibiting the sale of assault firearms to noncitizens or persons who have not been lawfully admitted for permanent residence.

*Patron - Lingamfelter*

**HB886 Stalking; penalty.** Provides that a second offense of stalking committed within five years of a prior stalking conviction is punishable as a Class 6 felony. Under current law, a second offense of stalking only qualifies for the Class 6 penalty if the person convicted had also been convicted of certain offenses involving assaults or bodily woundings or of violating a protective order.

*Patron - Albo*

**HB1087 Violation of protective order; firearm or other deadly weapon; penalty.** Provides that any person who violates a protective order with which he has been served while knowingly armed with a firearm or other deadly weapon is guilty of a Class 6 felony. This bill is identical to SB 323.

*Patron - Gilbert*

**HB1163 Recognition of out-of-state concealed handgun permits; photo identification.** Provides that the holder of an out-of-state concealed handgun permit who is at least 21 years of age is authorized to carry a concealed handgun in Virginia if (i) the other state has a 24-hour-a-day means of verification of the validity of the permits issued in that state, if available; (ii) the person carries a government-issued photo identification and displays it upon demand of a law-enforcement officer; and (iii) the person has not previously had a Virginia concealed handgun permit revoked. The bill requires the Superintendent of State Police (Superintendent) to enter into agreements for reciprocal recognition with other states that require an agreement to be in place before the state will recognize a Virginia concealed handgun permit as valid in the state. The bill provides that if the Superintendent determines that another state requires the Attorney General to execute or formally approve such agreement, the Attorney General will execute or approve such agreement within 30 days of written notification by the Superintendent that the Attorney General is required to execute or approve such agreement. Current law recognizes concealed handgun permits issued by states that (a) provide a 24-hour-a-day means of verification of the validity of the permits issued in that state and (b) have requirements and qualifications that are adequate to prevent possession of a permit by persons who would be denied a permit in Virginia. In addition, the bill requires the Superintendent, within 60 days of the effective date of the bill, to enter into agreements for reciprocal recognition of concealed handgun permits or licenses with other states where agreements were in existence on December 1, 2015. This bill incorporates HB 12 and is identical to SB 610.

*Patron - Webert*

**HB1189 Operation of a child welfare agency without a license; child abuse and neglect; penalty.** Provides that operating or engaging in the conduct of a child welfare agency without first obtaining a license when it is known that such license is required or after such license has been revoked or has expired constitutes a willful act or willful omission for purpose of the crime of abuse and neglect of a child. Under current law, a parent, guardian, or other person responsible for the care of a child who by willful act or omission causes or permits serious injury to the life or health of such child is guilty of abuse and neglect of a child, which is punishable as a Class 4 felony.

*Patron - Hester*

**HB1226 Assault and battery of Department of Corrections investigators; penalty.** Adds employees of the Department of Corrections who have been designated by the Department to conduct internal investigations to the definition of law-enforcement officer for purposes of the crimes of assault and battery. The current punishment for assault and battery against a law-enforcement officer engaged in the perfor-

mance of his public duties is a Class 6 felony with a six-month mandatory minimum sentence.

*Patron - Adams*

**HB1281 Carrying concealed weapons; exception for certain retired officers.** Decreases from 15 to 10 the number of years of service required for certain retired officers to be exempt from the prohibition on carrying a concealed weapon.

*Patron - Hugo*

**HB1319 False representation of military status; penalty.** Provides that any person who, with the intent to obtain any services, falsely represents himself to be a member or veteran of the military, or the recipient of any decoration or medal created by federal or state law to honor members or veterans of the military, and obtains such services is guilty of a Class 1 misdemeanor. This bill incorporates HB 54 and HB 950.

*Patron - Collins*

**HB1329 Trespass by hunters using dogs; penalty.** Punishes as a Class 3 misdemeanor the intentional release by a person of hunting dogs on the lands of another to hunt without the consent of the landowner. The bill punishes a second or subsequent offense committed within three years as a Class 1 misdemeanor and provides for the revocation of the person's hunting license for a period of one year upon conviction.

*Patron - Fariss*

**HB1334 Assault and battery against a family or household member; first offense; education and treatment programs.** Requires a court to order that a person placed on first offender status for assault and battery against a family or household member (i) be placed with a local community-based probation services agency and complete all education and treatment programs required by the agency or (ii) complete any education or treatment program that the court determines is best suited to the needs of the person. Under current law, the court may order that the person complete such education or treatment programs, but is not required to do so.

*Patron - Cline*

**HB1391 Protective orders; possession of firearms; penalty.** Provides that it is a Class 6 felony for a person who is subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) for family abuse to possess a firearm while the order is in effect. The bill also provides that such person may continue to possess and transport a firearm for 24 hours after being served with the order for the purposes of selling or transferring the firearm to another person. Under current law, it is a Class 1 misdemeanor for a person subject to a protective order to purchase or transport a firearm. This bill is identical to SB 49.

*Patron - Murphy*

**SB49 Protective orders; possession of firearms; penalty.** Provides that it is a Class 6 felony for a person who is subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) for family abuse to possess a firearm while the order is in effect. The bill also provides that such person may continue to possess and transport a firearm for 24 hours after being served with the order for the purposes of selling or transferring the firearm to another person. Under current law, it is a Class 1 misdemeanor for a person subject to a protective order to purchase or transport a firearm. This bill is identical to HB 1391.

*Patron - Howell*

**SB198 Carrying concealed weapons; exceptions.** Adds any employee with internal investigations authority des-

igned by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 of the Code of Virginia retired from the Department of Corrections to listed individuals who may carry a concealed handgun, provided that he carries written proof of the need to carry.

*Patron - Lucas*

**[P]SB323 Violation of protective order; firearm or other deadly weapon; penalty.** Provides that any person who violates a protective order with which he has been served while knowingly armed with a firearm or other deadly weapon is guilty of a Class 6 felony. This bill is identical to HB 1087.

*Patron - Favola*

**[P]SB339 Stalking; penalty.** Provides that contacting or following or attempting to contact or follow the person at whom stalking conduct is directed after being given actual notice that the person does not want to be contacted or followed is prima facie evidence that the person intended to place the other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member. This bill is a recommendation of the Virginia State Crime Commission.

*Patron - Reeves*

**[P]SB479 Retired law-enforcement officers; concealed handguns.** Clarifies provisions relating to the authority of retired law-enforcement officers, special agents of the State Corporation Commission and Virginia Alcoholic Beverage Control Board, members of the enforcement division of the Department of Motor Vehicles, and investigators of the security division of the Virginia Lottery to carry concealed handguns. Such officers, agents, members, and investigators who resigned after 20 years of service to accept a position covered by a retirement system authorized under Title 51.1 of the Code of Virginia fall under the same provisions as retired law-enforcement officers, agents, members, and investigators. Such retired officers, agents, members, and investigators who annually meet the training and qualification standards for active law-enforcement officers are authorized to carry concealed handguns in airports and schools and are deemed to have been issued a concealed handgun permit.

*Patron - Carrico*

**[P]SB544 Concealed handgun permit; judges exempt.** Provides that a judge or justice of the Commonwealth may carry a concealed handgun throughout the Commonwealth without a permit. This bill is identical to HB 332.

*Patron - Newman*

**[P]SB610 Recognition of out-of-state concealed handgun permits; photo identification.** Provides that the holder of an out-of-state concealed handgun permit who is at least 21 years of age is authorized to carry a concealed handgun in Virginia if (i) the other state has a 24-hour-a-day means of verification of the validity of the permits issued in that state, if available; (ii) the person carries a government-issued photo identification and displays it upon demand of a law-enforcement officer; and (iii) the person has not previously had a Virginia concealed handgun permit revoked. The bill requires the Superintendent of State Police (Superintendent) to enter into agreements for reciprocal recognition with other states that require an agreement to be in place before the state will recognize a Virginia concealed handgun permit as valid in the state. The bill provides that if the Superintendent determines that another state requires the Attorney General to execute or formally approve such agreement, the Attorney General will execute or approve such agreement within 30 days of written notification by the Superintendent that the Attorney General is

required to execute or approve such agreement. Current law recognizes concealed handgun permits issued by states that (a) provide a 24-hour-a-day means of verification of the validity of the permits issued in that state and (b) have requirements and qualifications that are adequate to prevent possession of a permit by persons who would be denied a permit in Virginia. In addition, the bill requires the Superintendent, within 60 days of the effective date of the bill, to enter into agreements for reciprocal recognition of concealed handgun permits or licenses with other states where agreements were in existence on December 1, 2015. The bill incorporates SB 616, SB 699, and SB 764 and is identical to HB 1163.

*Patron - Reeves*

**[P]SB626 Carrying concealed handguns; protective orders.** Authorizes any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm and is protected by an unexpired protective order to carry a concealed handgun for 45 days after the protective order was issued. The bill provides that if the person issued the protective order applies for a concealed handgun permit during such 45-day period, such person will be authorized to carry a concealed handgun for an additional 45 days and be given a copy of the certified application, which shall serve as a de facto concealed handgun permit. The bill requires such person to have the order or certified application and photo identification on his person when carrying a concealed handgun and to display them upon demand by a law-enforcement officer; failure to do so is punishable by a \$25 civil penalty. This bill is identical to HB 766.

*Patron - Vogel*

## Failed

**[F]HB12 Out-of-state concealed handgun permits; photo identification.** Removes certain requirements for an out-of-state concealed handgun permit or license to be recognized and accepted in Virginia and instead requires an out-of-state permit or license holder to carry a government-issued photo identification and present his permit or license and such identification upon demand by a law-enforcement officer in order for his out-of-state permit or license to be recognized and accepted in Virginia. This bill was incorporated into HB 1163.

*Patron - Ware*

**[F]HB43 Ultrasound prior to abortion.** Removes the requirement that a woman undergo a fetal transabdominal ultrasound prior to an abortion.

*Patron - Ward*

**[F]HB54 False representation of military status; stolen valor; penalty.** Provides that any person who, with the intent to obtain money, property, or other tangible benefit, falsely represents himself to be a member or veteran of the military, or a recipient of any decoration or medal created by federal or state law to honor members or veterans of the military, and obtains such money, property, or other tangible benefit is guilty of larceny. This bill was incorporated into HB 1319.

*Patron - Lingamfelter*

**[F]HB89 Use of unmanned aircraft system during commission of a crime; penalty.** Provides that a person is guilty of a Class 1 misdemeanor if he uses or attempts to use an unmanned aircraft system while committing or attempting to commit a crime or obstructing or attempting to obstruct law-enforcement officers, animal control officers, or emergency

medical services agency personnel in the performance of their duties.

*Patron - Cole*

**HB94 Abortion; informed written consent.** Provides that a woman seeking an abortion may decline to participate with any of the procedures or processes required to effect the informed written consent, including the performance of ultrasound imaging, that must be obtained by the physician performing the abortion prior to the performance of the abortion.

*Patron - Kory*

**HB128 Possession of weapons in state legislative buildings; penalty.** Prohibits the possession of weapons in legislative buildings. The bill provides that the Capitol Police shall conduct screenings of any person entering such building. The prohibition does not apply to law-enforcement officers.

*Patron - Hope*

**HB149 Concealed handgun permits; Terrorist Screening Database.** Prohibits individuals who are on the federal Terrorist Screening Database from obtaining a concealed handgun permit. The bill requires the State Police to consult with the FBI's Terrorist Screening Center to receive the Terrorist Screening Database report. A second enactment clause provides that the bill will not go into effect unless the U.S. Department of Justice approves the policies and procedures set out in the bill.

*Patron - Simon*

**HB162 Financial exploitation of incapacitated persons.** Expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age, or other causes. Currently, victims must suffer from a mental incapacity. The bill also allows for forfeiture of personal property used in connection with the crime.

*Patron - Kory*

**HB180 Drug treatment court for City of Winchester and Counties of Clarke, Frederick, and Warren.** Authorizes the establishment of drug treatment courts in the City of Winchester and Counties of Clarke, Frederick, and Warren. The bill limits the jurisdiction of such courts to cases involving simple possession of a controlled substance or marijuana or probation violations where a person had been placed on probation following a conviction for simple possession of a controlled substance or marijuana.

*Patron - Collins*

**HB260 Law-enforcement certification of certain firearms.** Provides that when the certification of a chief law-enforcement officer is required by federal law for transfer of a firearm as defined in the National Firearms Act, such certification must be provided within 60 days if the applicant is not prohibited by law from receiving the firearm. If the applicant is prohibited by law from receiving the firearm, the chief law-enforcement officer or his designee shall notify the applicant in writing of the reason for the prohibition. For the purposes of the bill, the definition of "firearm" is limited to machine guns, rifles and shotguns of a certain length, weapons made from certain rifles or shotguns, and silencers. If the chief law-enforcement officer fails to provide certification within 60 days, the applicant has a right to an ore tenus hearing in circuit court and, unless the evidence shows that the applicant is prohibited by law from receiving the firearm, the court shall order the chief law-enforcement officer to issue the certification within five business days.

*Patron - LaRock*

**HB272 Receipt and publication of illegally obtained information; penalty.** Provides that a person who receives from another person any illegally obtained documents, records, or other information and who disseminates or publishes or causes to be disseminated or published such documents, records, or other information knowing that they were illegally obtained is guilty of a Class 1 misdemeanor.

*Patron - Albo*

**HB273 Transfer of certain firearms; identification requirement.** Allows Virginia residents to purchase a firearm by presenting only one photo-identification form issued by a governmental agency of the Commonwealth or by the U.S. Department of Defense that demonstrates that the prospective purchaser resides in Virginia. The bill provides that a member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia. Current law requires photo identification and another document that establishes residency, such as a lease or utility bill, and that includes an address that matches the photo identification.

*Patron - LaRock*

**HB277 Manufacture, etc., of heroin; mandatory minimum sentence.** Provides for an additional 10-year mandatory minimum sentence to be served consecutively with any other sentence upon a conviction for manufacturing, selling, giving, distributing, or possessing with the intent to manufacture, sell, give, or distribute heroin.

*Patron - Miyares*

**HB284 Manufacturing, etc., a controlled substance resulting in overdose; penalty.** Makes it a Class 5 felony to manufacture, sell, give, or distribute a Schedule I or II controlled substance where the use of such substance results in another person's overdose. The bill provides for an affirmative defense to prosecution for this offense if the offender seeks or obtains emergency medical attention for the other person experiencing the overdose and such person (i) remains at the scene of the overdose or at any location to which the other persons is transported for emergency medical attention until a law-enforcement officer responds to the report of an overdose or, if no law-enforcement officer is present at either the scene or the other location, cooperates with law enforcement; (ii) identifies himself to the responding law-enforcement officer; and (iii) cooperates, upon request, with any criminal investigation reasonably related to the controlled substance that resulted in the overdose.

*Patron - Collins*

**HB295 Battery; school sports officials; penalty.** Treats persons serving as a sports official for an interscholastic sporting event involving a public or private elementary or secondary school who volunteer their services or are compensated by an entity other than a school as an employee of a school. Current law provides that battery against a school employee is punishable as a Class 1 misdemeanor with a 15-day sentence, two days of which shall be a mandatory minimum term of confinement, or, if the battery was committed by the use of a firearm or other weapon prohibited on school property, a six-month mandatory minimum term of confinement.

*Patron - O'Quinn*

**HB377 Criminal law; restoration of firearms rights; report to State Police.** Provides a mechanism for reporting to the Department of State Police when a circuit court restores a felon's right to possess, transport, and carry a firearm, ammunition for a firearm, or a stun weapon. The bill provides that prior

to entry of a restoration order, the petitioner's fingerprints and petition shall be sent to the Central Criminal Records Exchange (CCRE), which shall forward the petitioner's criminal history record information to the court, which shall inform the attorney for the Commonwealth that the criminal history record information is available for review. If the order is issued, the Department of State Police shall enter the petitioner's name and description in the CCRE so that law-enforcement personnel accessing the CCRE will be aware of the order's existence.

*Patron - Rush*

**HB396 Grand larceny; threshold.** Increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes.

*Patron - Heretick*

**HB423 Possession of firearms in school zone; penalty.** Provides, with certain exceptions, that an individual who knowingly possesses any firearm while such person is in a school zone, defined by the bill as the area within a distance of 1,000 feet from a school, is guilty of a Class 1 misdemeanor. An individual is permitted to possess a firearm in a school zone if (i) he is on private property, (ii) he possesses a valid concealed handgun permit, (iii) the firearm is unloaded and is in either a closed container or a locked firearms rack in or upon a motor vehicle, (iv) he possesses a firearm as part of the school's curriculum or activities or as part of a school-sponsored or school-authorized program, (v) he possesses such firearm in accordance with a contract with the school, or (vi) he is a law-enforcement officer or armed security officer hired by a private or religious school.

*Patron - Simon*

**HB425 Sale, purchase, possession, and transport of firearms; Terrorist Screening Database.** Prohibits a person who knows or has reason to know that he is in the federal Terrorist Screening Database of the Terrorist Screening Center administered by the FBI (the Database) from purchasing, possessing, or transporting a firearm. The bill disqualifies any person in the Database from obtaining a concealed handgun permit. The bill prohibits selling firearms to any person in the Database and requires dealers to obtain a Database check before transferring a firearm. The bill requires State Police to consult with the Terrorist Screening Center to determine if a potential firearm purchaser is in the Database. A second enactment clause provides that the bill will not go into effect unless the U.S. Department of Justice approves the policies and procedures set out in the bill.

*Patron - Simon*

**HB426 Battery; public transportation operators; penalty.** Provides that the punishment for battery of a person who is the operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties is a Class 1 misdemeanor, including a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

*Patron - Villanueva*

**HB433 Revocation of concealed handgun permit; alcohol or illegal drugs.** Makes optional, and conditioned on a determination that the violation demonstrates a reckless disregard for safety, the court's revocation of a person's concealed handgun permit upon conviction of carrying a handgun in a public place while under the influence of alcohol or illegal drugs. Under current law, revocation of such convicted person's permit is mandatory. The bill provides that only if such

convicted person's permit is revoked by the court is the convicted person ineligible to apply for a concealed handgun permit for five years.

*Patron - Villanueva*

**HB439 Use or display of firearm in committing felony; penalty.** Increases the mandatory minimum sentences for use or display of a firearm during the commission of certain felonies from three to five years for a first offense and from five to ten years for a second or subsequent offense.

*Patron - Lingamfelter*

**HB443 Carrying a concealed handgun; exception.** Allows any person who regardless of having met the demonstration of competence requirement is otherwise qualified to obtain a concealed handgun permit to carry a handgun concealed in any place where such person could openly carry a handgun.

*Patron - Campbell*

**HB458 Protective orders; assault and battery; penalty.** Provides that a person who is the subject of a protective order who commits an assault and battery resulting in bodily injury on the person protected by the order is guilty of a Class 6 felony. Currently, the assault and battery must result in serious bodily injury in order for the offense to be punishable as a Class 6 felony.

*Patron - Murphy*

**HB542 Unlawful inducement; contracts; payments for goods or services; penalty.** Provides that a person who, through the use of force, fraud, deceit, duress, or other form of constraint, induces or solicits any adult to enter into a contract or agreement or for payment for goods and services is guilty of a Class 1 misdemeanor. The bill also provides that such actions may be subject to the Virginia Consumer Protection Act.

*Patron - Watts*

**HB556 Abuse and neglect of children; fetuses.** Provides that for purposes of the crime of abuse and neglect of a child, a child includes a viable fetus.

*Patron - LaRock*

**HB561 Use of unmanned aircraft system for surveillance; penalty.** Makes it a Class 3 misdemeanor to use an unmanned aircraft system to capture an image of private property or an individual located on such private property without the consent of the landowner or other person lawfully in charge of such private property with the intent to conduct surveillance on such property or individual. The bill also provides that the sale or dissemination of such a captured image is punishable as a Class 2 misdemeanor.

*Patron - Lingamfelter*

**HB609 Protective orders; assault and battery; penalty.** Provides that a person who is the subject of a protective order who commits an assault and battery resulting in bodily injury on the person protected by the order is guilty of a Class 6 felony. Currently, the assault and battery must result in serious bodily injury in order for the offense to be punishable as a Class 6 felony.

*Patron - Bell, Robert B.*

**HB615 Felony homicide; certain drug offenses; penalty.** Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other



person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in *Woodard v. Commonwealth*, 61 Va. App. 567, 739 S.E.2d 220 (2013), *aff'd*, 287 Va. 276, 754 S.E.2d 309 (2014).

*Patron - Bell, Robert B.*

**[F]HB617 Concealed handgun permit; demonstration of competence.** Removes the option for concealed handgun permit applicants to demonstrate competence with a handgun by completing an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor. The bill does not affect any in person means of satisfying the requirement to demonstrate competence with a handgun under current law.

*Patron - Bell, John J.*

**[F]HB622 Entering vehicle; interference with rights of owner.** Provides that any person who, without the consent of the owner or other person in charge of a motor vehicle, enters into a motor vehicle occupied by such owner or other person with the intent to interfere with the rights of such owner or other person to use such vehicle free from interference is guilty of a Class 1 misdemeanor.

*Patron - Bell, Robert B.*

**[F]HB658 Protective orders; possession of firearms; penalty.** Prohibits a person who is subject to a protective order from possessing a firearm, punishable as a Class 1 misdemeanor for a first or second offense and a Class 6 felony for a third or subsequent offense. Currently, such person is prohibited only from purchasing or transporting a firearm.

*Patron - Filler-Corn*

**[F]HB670 Truancy; educational neglect; penalty.** Provides that any parent who willfully contributes to, encourages, or causes any act, omission, or condition that renders his child in need of supervision is guilty of educational neglect, punishable as a Class 1 misdemeanor. The bill defines a child in need of supervision as a child who, while subject to compulsory school attendance, is habitually and without justification absent from school and (i) the child has been offered an adequate opportunity to receive the benefit of the school's services and programs, (ii) the school has made a reasonable effort to effect the child's regular attendance, and (iii) the school has documented its efforts. The bill further provides that a court may, instead of finding a parent guilty of a first offense of educational neglect, defer proceedings against the parent and place him on probation upon terms and conditions. If the parent complies with the terms and conditions imposed by the court, the court shall dismiss the proceedings.

*Patron - Peace*

**[F]HB673 Abduction of minor for the purpose of prostitution or child pornography; penalty.** Provides that the use of force, intimidation, or deception is not an element of the crime of abducting a minor for the purpose of concubinage or prostitution or for the purpose of manufacturing child pornography, a crime punishable as a Class 2 felony. The bill also expands the class of minors who may be the victim of the crime of abduction for the purpose of concubinage or prostitution from minors under 16 years of age to all minors, that is, anyone under 18 years of age.

*Patron - Leftwich*

**[F]HB679 Prostitution; affirmative defense.** Provides an affirmative defense to prostitution if the person was induced by another through the use of force, threat, intimidation, coercion, or deception to engage in prostitution.

*Patron - Leftwich*

**[F]HB680 Deferred disposition; first offense solicitation of prostitution.** Allows a court to defer and dismiss a first-offense charge of solicitation of prostitution punishable as a misdemeanor and place an offender on probation under the terms and conditions.

*Patron - Leftwich*

**[F]HB737 Use of unmanned aircraft system for surveillance; penalty.** Makes it a Class 3 misdemeanor to use an unmanned aircraft system to capture an image of private property or an individual located on such private property after having been given written notice by the landowner or other person lawfully in charge of such private property that the individual, landowner, or other person objects to having such images taken. The bill also provides that the sale or dissemination of such a captured image is punishable as a Class 2 misdemeanor.

*Patron - Orrock*

**[F]HB751 Fantasy Contests Act; civil penalty.** Creates the Fantasy Contests Act (the Act), which applies to fantasy contests offered in Virginia. The bill defines "fantasy contest," provides that fantasy contests do not constitute illegal gambling, and sets forth the conditions for conducting such contests. The bill includes a civil penalty for violation of the Act.

*Patron - Simon*

**[F]HB767 Assault and battery against a family or household member; eliminate deferral and dismissal.** Eliminates a court's authority to defer and dismiss criminal proceedings against a person charged with a first offense of assault and battery against a family or household member.

*Patron - Gilbert*

**[F]HB783 Brandishing a firearm; law-enforcement officer; penalty.** Provides for a six-month mandatory minimum sentence upon conviction of a person for pointing, holding, or brandishing a firearm or similar weapon at someone who the person knows or has reason to know is a law-enforcement officer in such manner as to reasonably induce fear in the mind of another.

*Patron - Adams*

**[F]HB804 Reporting lost or stolen firearms; penalty.** Requires a person who lawfully possesses a firearm to report the loss or theft of the firearm to any local law-enforcement agency or the Department of State Police within 14 days of when the loss or theft was discovered. The bill requires the relevant law-enforcement agency to enter the report information in the National Crime Information Center (NCIC). A violation is punishable by a \$50 civil penalty for a first offense and a civil penalty of not less than \$100 or more than \$250 for any subsequent offense. The bill provides that a person who, in good faith, reports the loss or theft will be immune from criminal or civil liability for acts or omissions that result from such loss or theft and the immunity does not apply to a person who makes a false report. The bill does not apply to the loss or theft of an antique firearm.

*Patron - Lingamfelter*

**[F]HB845 Driving under the influence; first offenders; 24/7 sobriety program.** Allows a person convicted of a first offense DUI to participate in a 24/7 sobriety program, if the locality where the person was convicted has established such a program, as an alternative to prohibiting such person from



operating a motor vehicle that is not equipped with an ignition interlock system and other restrictions on his ability to drive. The bill provides that a person participating in a 24/7 sobriety program must, for a period of 12 consecutive months, refrain from the use of alcohol or drugs, submit to regular alcohol or drug testing and, if applicable, wear a secure transdermal alcohol monitoring device, and pay all fees associated with the program.

*Patron - Leftwich*

**[F]HB893 Profane swearing in public.** Eliminates the crime of profanely swearing or cursing in public, which is currently punishable as a Class 4 misdemeanor.

*Patron - Webert*

**[F]HB923 Computer trespass; penalty.** Expands the crime of computer trespass to provide that the prohibited actions that constitute computer trespass are criminalized if done through intentionally deceptive means and without authority.

*Patron - Mason*

**[F]HB927 Purchase, etc., of flamethrowers; penalty.** Criminalizes the purchase, possession, or transportation of a flamethrower, which is punishable as a Class 1 misdemeanor. The bill defines "flamethrower" as any portable device specifically designed or intended to emit or propel a burning stream of combustible or flammable liquid a distance of at least 10 feet.

*Patron - Price*

**[F]HB950 Fraudulent representation about receipt of military decorations; penalty.** Provides that any person who, with the intent to obtain money, property, or other tangible benefit, fraudulently holds himself out to be a recipient of certain military decorations or medals is guilty of a Class 1 misdemeanor. This bill was incorporated into HB 1319.

*Patron - Keam*

**[F]HB979 Transfer of firearms; criminal history record check delay.** Increases from the end of the next business day to within five business days the time in which State Police must advise a dealer if its records indicate that a firearms buyer or transferee is prohibited from possessing or transporting a firearm and the time after which a dealer may complete the sale or transfer without a response from the State Police. The bill removes the option in current law that a dealer who is advised by the State Police that a response will not be available within the required timeframe may immediately complete the sale or transfer.

*Patron - Lopez*

**[F]HB980 Transfer of handguns; permit required; penalties.** Requires the Department of State Police to establish procedures for issuing handgun transfer permits and provides that a person who willfully and intentionally transfers a firearm to a person without a permit is guilty of a Class 1 misdemeanor. The bill provides exceptions to this requirement, including an exemption for dealers who obtain a background check. The bill provides that any person who displays a handgun transfer permit that has been revoked or suspended knowing that such permit has been revoked or suspended is guilty of a Class 1 misdemeanor. In order for the bill to become effective, the U.S. Department of Justice must approve the policies and procedures that the Department of State Police will use to implement the provisions of the bill.

*Patron - Lopez*

**[F]HB981 Concealed handgun permit; proof of competence.** Eliminates as proof of demonstrated competence with a

handgun completing any firearms training or safety course or class, including an electronic, video, or online course, conducted by a state-certified or National Rifle Association-certified firearms instructor.

*Patron - Lopez*

**[F]HB982 Firearms; access by children; penalty.** Provides that it is a Class 1 misdemeanor to knowingly authorize a child age four or younger to use a firearm or pneumatic gun.

*Patron - Lopez*

**[F]HB983 Prohibition of sale, transfer, etc., of certain firearms magazines; fine.** Provides that any person, corporation, or other entity that manufactures, imports, possesses, purchases, sells, or transfers any large capacity magazine shall be subject to a \$250 fine. The bill provides exceptions to the prohibition. The bill provides that a registrant is limited to three large capacity magazines and must otherwise dispose of all magazines in excess of the limit. The bill requires the Department of State Police to provide a means to register a large capacity magazine and, at the time of registration, to permanently mark such magazine for the purpose of identification and maintain records regarding such identification information. Finally, the bill provides that any large capacity magazine that is possessed in violation of law is subject to forfeiture to the Commonwealth.

*Patron - Lopez*

**[F]HB997 Marijuana; decriminalization of simple marijuana possession.** Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$100 for a first violation, \$250 for a second violation, and \$500 for a third or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum 30-day jail sentence, and subsequent offenses are a Class 1 misdemeanor. The bill reduces the criminal penalties for distribution and possession with intent to distribute, etc., marijuana. The bill creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill also limits forfeiture of property from the sale or distribution of marijuana to quantities of more than one pound; currently there is no minimum amount.

*Patron - Levine*

**[F]HB1000 Online firearm sale; criminal history record information check; penalties.** Requires a background check for any firearm transfer that is arranged through a public Internet-based communication and requires the Department of State Police to establish a process for transferors to obtain such a check from licensed firearms dealers. A transferor who fails to obtain a required background check and sells the firearm to another person is guilty of a Class 1 misdemeanor. The bill prohibits a person from placing any advertisement knowing the purpose of the advertisement is to sell or transfer a firearm through a public Internet-based communication and provides that placing such an advertisement is punishable as a Class 1 misdemeanor. The bill exempts transfers or sales between immediate family members.

*Patron - Levine*

**[F]HB1001 Sale of firearms; Terrorist Screening Database.** Requires a check of the Terrorist Screening Database (Database) prior to purchasing a firearm from a dealer. The bill requires the State Police to consult with the Terrorist Screening Center to determine if a potential firearms purchaser is in the Database. A person whose name is in the Database will be disqualified from purchasing a firearm. The bill pro-

vides that the Superintendent of State Police may, in consultation with the Federal Bureau of Investigation, authorize a sale or transfer to a prospective buyer or transferee who is found to be in the Database if (i) said buyer or transferee is the subject of an active state or federal investigation, (ii) it is determined that denying the sale or transfer would compromise the integrity of such investigation, and (iii) such buyer or transferee is under surveillance by a state or federal law-enforcement agency. A second enactment clause provides that the bill will not go into effect unless the U.S. Department of Justice approves the policies and procedures set out in the bill.

*Patron - Levine*

**[F]HB1025 Firearms; removal from persons posing substantial risk; penalties.** Creates a procedure by which an attorney for the Commonwealth or law-enforcement officer may apply to a circuit court judge for a warrant to remove firearms from a person who poses a substantial risk of injury to himself or others. If firearms are seized pursuant to such warrant, the bill requires a court hearing within 14 days from execution of the warrant to determine whether the firearms should be returned or retained by law enforcement. Seized firearms may be retained by court order for up to 180 days or, with court approval, may be transferred to a third party chosen by the person from whom they were seized. Persons who have been served with a warrant to remove firearms or who are the subject of an order to retain firearms are disqualified from having a concealed handgun permit or purchasing a firearm from a licensed dealer and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person whom he knows has been served with a warrant or who is the subject of an order is guilty of a Class 6 felony.

*Patron - Sickles*

**[F]HB1041 Driver's license; marijuana possession.** Revises the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The provisions of the bill are contingent upon the Governor's certifying, in accordance with federal law, to the U.S. Secretary of Transportation that the Governor is opposed and that the General Assembly has adopted a resolution stating its opposition to a law requiring a six-month driver's license suspension or revocation upon a person's conviction for a drug offense and written assurance from the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of implementation of the bill.

*Patron - Rasoul*

**[F]HB1045 Threats of death or bodily injury; penalty.** Removes the requirement that a threat of death or bodily injury be communicated in a writing for the offense of threatening to kill or do bodily injury to a person or any member of his family or for the enhanced penalty for threatening to kill or do bodily harm at a school, on a school bus, or at a school-sponsored event.

*Patron - Rasoul*

**[F]HB1074 Marijuana; decriminalization of simple marijuana possession.** Decriminalizes marijuana possession and provides a civil penalty of no more than \$250 for a first violation and \$1,000 for a second or subsequent violation. Under current law, there is a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill creates a rebuttable presumption that a person who possesses no more than one-half ounce of marijuana possesses it for personal use and pro-

vides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor.

*Patron - Heretick*

**[F]HB1084 Abduction of minor for the purpose of prostitution.** Provides that the use of force, intimidation, or deception is not an element of the crime of abducting a minor for the purpose of concubinage or prostitution, a crime punishable as a Class 2 felony. The bill also expands the class of minors who may be the victim of such crime from minors under 16 years of age to all minors, that is, anyone under 18 years of age.

*Patron - Bulova*

**[F]HB1106 Possession or transportation of firearms following convictions for certain misdemeanor crimes; penalty.** Prohibits a person who has been convicted of misdemeanor sexual battery or assault and battery where the victim is a family or household member from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor.

*Patron - Murphy*

**[F]HB1107 Concealed handgun permit reciprocity; report.** Provides that any agreement for reciprocal recognition of concealed handgun or concealed weapons permits or licenses that was valid as of December 1, 2015, shall be valid until June 1, 2017. The bill requires the Crime Commission to submit a report to the General Assembly by December 1, 2016, regarding the requirements and qualifications for receiving a concealed weapons permit in Virginia as compared to other states.

*Patron - Lingamfelter*

**[F]HB1109 Concealed handgun permit; application; disqualification.** Adds family members who reside with or have resided with the applicant for a concealed handgun permit to the persons whose statements that the applicant is likely to use a weapon unlawfully or negligently to endanger others may be submitted to the court. Under current law sheriffs, police chiefs, and the attorney for the Commonwealth may submit such statements. If the court finds an individual disqualified for a concealed handgun permit based on such statements, the individual may not reapply for five years and must include with his application documentation as to why he is no longer likely to use a weapon unlawfully or negligently to endanger others.

*Patron - Murphy*

**[F]HB1134 Disorderly conduct; students.** Provides that a student at any primary or secondary school cannot be guilty of disorderly conduct if the disorderly conduct occurred on school property or a school bus or at a school-sponsored activity.

*Patron - LaRock*

**[F]HB1138 RICO; computer crimes; penalties.** Adds crimes contained in the Virginia Computer Crimes Act as qualifying offenses under the Virginia Racketeering Influenced and Corrupt Organization Act. Such crimes include computer fraud, computer trespass, transmission of spam, and theft of computer services.

*Patron - Mason*

**[F]HB1157 Driving while intoxicated; subsequent offenses; penalty.** Provides that a person who commits a third offense of driving while intoxicated within a 20-year period is guilty of a Class 6 felony and the punishment for a person who commits a fourth or subsequent offense within such period

must include a mandatory minimum sentence of one year and a mandatory minimum fine of \$1,000. Under current law, the relevant time period for applying enhanced penalties for subsequent offenses is 10 years.

*Patron - Bell, Richard P.*

**[F]HB1167 Grand larceny; threshold.** Increases from \$200 to \$1,000 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes.

*Patron - Lindsey*

**[F]HB1195 Threats of death or bodily injury; penalty.** Removes the requirement that a threat of death or bodily injury be communicated in a writing for the offense of threatening to kill or do bodily injury to a person or any member of his family or for the enhanced penalty for threatening to kill or do bodily harm at a school, on a school bus, or at a school-sponsored event.

*Patron - Price*

**[F]HB1197 Internet publication of personal information of law-enforcement officers; penalty.** Provides that it is a Class 1 misdemeanor for any person to publish, sell, solicit, or trade on the Internet the personal information of any law-enforcement officer or his immediate family member knowing that he is a law-enforcement officer and with the intent to cause imminent bodily harm or the threat of imminent bodily harm to such individual.

*Patron - Stolle*

**[F]HB1199 School resource officers; possession of firearms and other weapons; penalty.** Prohibits school resource officers from possessing firearms, stun weapons, knives, and certain other weapons on school property, school buses, or public property being used exclusively for school-sponsored functions or extracurricular activities.

*Patron - Kory*

**[F]HB1200 Assault and battery; certain students.** Provides that a student who is the subject of an individualized education program required by the federal Individuals with Disabilities Education Act cannot be found guilty of assault or assault and battery against law-enforcement officers, firefighters, emergency medical personnel, or certain corrections officials or of battery against a school employee if the crime occurred on school property or a school bus or at a school-sponsored event. This bill was incorporated into HB 1213.

*Patron - Collins*

**[F]HB1201 Concealed handgun permits; reciprocity.** Provides that the Superintendent of State Police shall continue to recognize any valid concealed handgun or concealed weapon permit or license issued by another state where such state's permit or license was, as of November 1, 2015, recognized by the Superintendent of State Police as authorizing the holder of such permit or license to carry a concealed handgun in the Commonwealth. The bill also requires the Superintendent to attempt to reestablish reciprocal recognition of concealed handgun permits with any state where reciprocity may have been lost and report on his efforts to the Clerks of the House and Senate.

*Patron - Marshall, R.G.*

**[F]HB1313 Concealed handguns; protective orders; surrender of firearms; penalty.** Provides that a person who is protected by a protective order may request that the order include as a condition either (i) that such person be permitted to carry a concealed handgun or (ii) that the person who is sub-

ject to the order surrender any firearms in his possession to law enforcement.

If the person protected by the order chooses to carry a concealed handgun, the bill authorizes such person to do so for a period of 45 days after the order was issued or until the order expires, whichever occurs first. The bill also provides that if such person applies for a concealed handgun permit during such 45-day period, such person will be authorized to carry a concealed handgun for an additional 45 days and be given a copy of the certified application, which shall serve as a de facto concealed handgun permit. The bill requires such person to have the order or certified application and photo identification on his person when carrying a concealed handgun and to display them upon demand by a law-enforcement officer; failure to do so is punishable by a \$25 civil penalty.

If the person protected by the order chooses to require that the person who is subject to the order surrender any firearms, the bill provides that the person who is subject to a protective order must surrender any firearm possessed by him to the law-enforcement agency for the locality in which such person resides within 24 hours of being served with the protective order. The bill requires the law-enforcement agency to prepare a written receipt, which shall be signed by the person surrendering the firearm, containing the name of the person, the date on which the firearm was surrendered, and the manufacturer, model, and serial number of the firearm and to provide a copy of the receipt to the person. The bill provides further that the person may present the copy of the receipt to the law-enforcement agency upon the expiration of the protective order, and the law-enforcement agency shall then return the firearm. The failure to surrender a firearm is punishable as a Class 1 misdemeanor.

*Patron - Simon*

**[F]HB1326 Abortion; informed written consent; civil penalty.** Provides that any woman seeking an abortion be provided with a written informed consent form at least 24 hours before the performance of the abortion. The bill also provides that such form must contain information regarding the risks of the woman developing placenta previa and placenta accreta in future pregnancies from the performance of a surgical abortion and the attendant consequences of those conditions. The bill increases from \$2,500 to \$5,000 the civil penalty for a physician who fails to comply with the provisions governing the woman's informed written consent.

*Patron - Marshall, R.G.*

**[F]HB1356 Impersonation of a minor; use of communications system; penalty.** Provides that any person 18 years of age or older who, while falsely representing himself to be a minor, uses a communications system to communicate with any person he knows or has reason to know is a minor is guilty of a Class 1 misdemeanor.

*Patron - Farrell*

**[F]SB23 Grand larceny; threshold.** Increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. This bill incorporates SB 177, SB 226, and SB 235.

*Patron - Reeves*

**[F]SB42 Buying, receiving, or concealing stolen goods.** Adds the word "knowingly" to the statute that provides that if a person buys, receives, or aids in concealing stolen goods that

he knows are stolen he is guilty of larceny even if the principal offender is not convicted.

*Patron - Carrico*

**[SB48 Concealed handgun permits.** Allows any person who is otherwise eligible to obtain a concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth.

*Patron - Black*

**[SB86 Sexual abuse of certain children; penalty.** Raises the penalty for sexual abuse (a defined term) of a child 13 or 14 years old from a Class 1 misdemeanor to a Class 6 felony.

*Patron - Garrett*

**[SB96 Protective orders; possession of firearms; penalty.** Prohibits a person who is subject to a protective order from possessing a firearm; currently, such person is only prohibited from purchasing or transporting a firearm. Such conduct is punishable as a Class 1 misdemeanor.

*Patron - Marsden*

**[SB97 Purchase of handguns; limitation on handgun purchases; penalty.** Prohibits any person who is not a licensed firearms dealer from purchasing more than one handgun in a 30-day period and establishes such an offense as a Class 1 misdemeanor. The bill exempts from this provision (i) law-enforcement agencies and officers, (ii) state and local correctional facilities, (iii) licensed private security companies, (iv) persons who hold a valid Virginia concealed handgun permit, (v) persons whose handgun has been stolen or who are trading in a handgun, (vi) purchases of handguns in a private sale, and (vii) purchases of antique firearms.

*Patron - Marsden*

**[SB104 Marijuana; decriminalization of simple marijuana possession.** Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$100 for a first violation, \$250 for a second violation, and \$500 for a third or subsequent violation. Under current law there is a maximum fine of \$500 and a maximum 30-day jail sentence for a first offense and subsequent offenses are a Class 1 misdemeanor. The bill reduces the criminal penalties for distribution and possession with intent to distribute, etc., of marijuana. The bill creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill also limits forfeiture of property from sale or distribution of marijuana to quantities of more than one pound; currently there is no minimum amount.

*Patron - Ebbin*

**[SB130 Mandatory minimum punishments.** Repeals the Code section that defines "mandatory minimum" for purposes of imposing punishment upon a person convicted of a crime as the entire term of confinement, the full amount of the fine, and the complete requirement of community service provided by law and that prohibits the court from suspending any part of the punishment.

*Patron - Edwards*

**[SB131 Prostitution; affirmative defense.** Provides an affirmative defense to prostitution if the person was induced by another through the use of force, threat, intimidation, coercion, or deception to engage in prostitution.

*Patron - Edwards*

**[SB132 Abduction of minor for the purpose of prostitution.** Provides that the use of force, intimidation, or deception is not an element of the crime of abducting a minor for the purpose of concubinage or prostitution, a crime punishable as a Class 2 felony. The bill also expands the class of minors who may be the victim of such crime from minors under 16 years of age to all minors, that is, anyone under 18 years of age.

*Patron - Edwards*

**[SB144 Deferred disposition; first offense solicitation of prostitution.** Allows a court to defer and dismiss a first-offense charge of solicitation of prostitution punishable as a misdemeanor and place an offender on probation under certain terms and conditions.

*Patron - Edwards*

**[SB156 Concealed handgun permit; application; disqualification.** Adds family members who reside with the applicant for a concealed handgun permit to the persons whose statements that the applicant is likely to use a weapon unlawfully or negligently to endanger others may be submitted to the court. Under current law sheriffs, police chiefs, and the attorney for the Commonwealth may submit such statements. If the court finds an individual disqualified for a concealed handgun permit based on such statements the individual may not reapply for five years and must include with his application documentation as to why he is no longer likely to use a weapon unlawfully or negligently to endanger others.

*Patron - Favola*

**[SB174 Adultery; civil penalty.** Reduces the penalty for adultery from a Class 4 misdemeanor to a civil penalty of not more than \$250.

*Patron - Surovell*

**[SB175 Concealed handgun permits; sharing of information.** Provides that information on concealed handgun permittees in the Virginia Criminal Information Network shall not be shared with law enforcement in states that do not have reciprocity agreements with Virginia for the carrying of concealed handguns.

*Patron - Stuart*

**[SB177 Grand larceny; threshold.** Increases from \$200 to \$1,000 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. This bill was incorporated into SB 23.

*Patron - Surovell*

**[SB180 Prostitution; minors; penalties.** Allows a petition for a child in need of services to be substituted for a delinquency petition for minors arrested for prostitution if the minor is willing to participate in specialized services for those engaged in commercial sexual conduct.

*Patron - Edwards*

**[SB184 Prohibition of sale, transfer, etc., of certain firearms magazines; penalties.** Prohibits any person from selling, bartering, or transferring a firearms magazine designed to hold more than 10 rounds of ammunition. A violation is a Class 1 misdemeanor. The bill prohibits a person from carrying semi-automatic center-fire firearms with more than 10 rounds of ammunition in a public place; under existing law this prohibition applies only in certain localities and only to such firearms if the firearm holds more than 20 rounds of ammunition. The bill redefines "assault firearm" in the Code section that prohibits noncitizens and persons not lawfully admitted for permanent residence from possessing assault firearms and in

the Code section that prohibits dealers from transferring an assault firearm to such persons by reducing the number of rounds of ammunition that the magazine will hold from more than 20 to more than 10. Under current law a juvenile adjudicated delinquent of the unlawful use of a firearm loses his driving privileges for two years if the firearm is capable of holding 12 shotgun shells; the bill reduces that number to more than 10.  
*Patron - Marsden*

**SB185 Public places; loaded firearms.** Prohibits the carrying of certain loaded firearms in public places. Concealed handgun permit holders, law-enforcement officers, licensed security guards, military personnel in the performance of their lawful duties, persons hunting, and persons at shooting ranges are exempt. The bill narrows the definition of a firearm and makes the prohibition, which previously applied only to certain localities, apply statewide.  
*Patron - Marsden*

**SB186 Concealed handgun permits; proof of competence.** Makes various changes to the types of training courses permitted to satisfy the requirement to demonstrate competence with a handgun in order to obtain a concealed handgun permit, including (i) requiring that a National Rifle Association (NRA) or Department of Criminal Justice Services (DCJS) training course focus on the use and handling of a concealed handgun; (ii) requiring that a law-enforcement officer qualify to carry a handgun rather than a firearm in the course of normal police duties; and (iii) requiring that online NRA or DCJS training courses be synchronous. The bill eliminates as proof of demonstrated competence with a handgun (a) completing a hunter education or safety course; (b) completing a law-enforcement firearms safety or training course offered to security guards, investigators, special deputies, or any other division of law enforcement or security enforcement; and (c) having previously held a concealed handgun permit. The bill also provides that any proof of demonstrated competence with a handgun shall expire five years from the date of completion of such course or class.  
*Patron - Marsden*

**SB214 Sale of firearms; Terrorist Screening Database.** Requires a check of the Terrorist Screening Database prior to purchasing a firearm from a dealer. The State Police will be required to consult with the Terrorist Screening Center to determine if a potential firearms purchaser is in the Database. A person whose name is in the Database will be disqualified from purchasing a firearm. A second enactment clause provides that the bill will not go into effect unless the U.S. Department of Justice approves the policies and procedures set out in the bill.  
*Patron - Favola*

**SB217 Firearms; access by children; penalty.** Provides that it is a Class 1 misdemeanor to knowingly authorize a child age six or younger to use a firearm or pneumatic gun.  
*Patron - Marsden*

**SB220 Firearm transfers; penalties.** Creates a Class 2 misdemeanor for a person who is not a licensed dealer to sell, rent, trade, or transfer a firearm to any other person who is not a licensed dealer. The bill also creates a Class 2 misdemeanor for a person who is not a licensed dealer to buy, rent, trade, or transfer a firearm from any other person who is not a licensed dealer. The bill exempts certain transfers, such as between immediate family members, by operation of law, and when the transfer is temporary and is necessary to prevent imminent death or great bodily harm or occurs while in the continuous presence of the owner of the firearm.  
*Patron - McEachin*

**SB226 Larceny and property crimes; threshold.** Increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. This bill was incorporated into SB 23.  
*Patron - Lucas*

**SB235 Larceny and property crimes; threshold.** Increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. This bill was incorporated into SB 23.  
*Patron - Petersen*

**SB259 Purchase, etc., of ammunition by persons involuntarily admitted or ordered to outpatient treatment; penalty.** Provides that it is a Class 1 misdemeanor for a person who has been involuntarily admitted or ordered to outpatient treatment or who has agreed to voluntary admission after being the subject of a temporary detention order to purchase, possess, or transport ammunition for a firearm. Current law only applies to the purchase, possession, or transportation of the firearm itself.  
*Patron - Surovell*

**SB260 Concealed handgun permits; disqualifications; residential mental health or substance abuse treatment.** Provides that a person is disqualified from obtaining a concealed handgun permit if he has received mental health or substance abuse treatment in a residential setting within five years before or after the date of his application for the permit. Currently, such disqualification applies only if the treatment occurred within five years prior to the date of his application for the permit. The bill provides that the State Police, a local law-enforcement agency, or an attorney for the Commonwealth, upon receipt of information that a permit holder is disqualified because of such treatment, shall notify the court that issued the permit. If the court finds that the permit holder is in fact disqualified because of such treatment, the court shall revoke the permit.  
*Patron - Surovell*

**SB261 Driving under the influence; private property.** Provides that a person cannot be found guilty of driving under the influence if such person is in a motor vehicle that is on private property and such vehicle is not in motion.  
*Patron - Surovell*

**SB263 Firearms; purchase by persons intending to commit act of terrorism; penalty.** Provides that any person who, having the present intention to commit, conspire to commit, or aid and abet in the commission of an act of terrorism, purchases a firearm is guilty of a Class 1 misdemeanor and any person who sells a firearm to a person who has expressed such an intention is guilty of a Class 4 felony. The bill provides that any such person shall also be disqualified from obtaining a concealed handgun permit. The bill further provides that any person who is listed on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation is disqualified from obtaining a concealed handgun permit. A second enactment clause provides that the provisions related to the Terrorist Watchlist will not go into effect unless the U.S. Department of Justice approves the policies and procedures set out in the bill.  
*Patron - Surovell*

**SB273 Defrauding certain businesses; penalty.** Provides that failure to pay for services or to obtain credit from a

barbershop, body-piercing salon, cosmetology salon, esthetics spa, nail salon, tattoo parlor, waxing salon, or massage therapist with the intent to cheat or defraud the owner or service provider is a Class 1 misdemeanor if the value of the service is less than \$200 and a Class 5 felony if the value of the service is \$200 or more.

*Patron - Wexton*

**[F]SB300 Firearms; alcohol; penalties.** Provides that it is a Class 1 misdemeanor for a person who is under the influence of alcohol or illegal drugs to carry a loaded firearm on or about his person in a public place and that a person found guilty is ineligible to apply for a concealed handgun permit for a period of five years. The bill also creates a Class 2 misdemeanor for a person who carries a loaded firearm on or about his person onto the premises of any restaurant or club licensed to sell and serve alcoholic beverages for on-premises consumption and consumes an alcoholic beverage while on the premises.

*Patron - Ebbin*

**[F]SB302 Firearms; access by children; penalty.** Provides that it is a Class 1 misdemeanor to knowingly authorize a child age four or younger to use a firearm or pneumatic gun.

*Patron - Ebbin*

**[F]SB310 Grand larceny; threshold.** Increases from \$200 to \$1500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes.

*Patron - McEachin*

**[F]SB327 Driver's license; marijuana possession.** Revises the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to deferred disposition of simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The provisions of the bill are contingent upon written assurance from the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of implementation of the bill. This bill incorporates SB 613.

*Patron - Ebbin*

**[F]SB343 Possession or distribution of marijuana for medical purposes; cancer.** Provides an affirmative defense in a prosecution for the possession of marijuana if the marijuana is in the form of cannabidiol oil or THC-A oil possessed pursuant to a valid written certification issued by a practitioner of medicine or osteopathy licensed by the Board of Medicine for purposes of treating cancer or alleviating such patient's symptoms. The bill provides that a practitioner shall not be prosecuted for distribution of marijuana under the circumstances outlined in the bill.

*Patron - Lucas*

**[F]SB357 Obstruction of justice; court clerks.** Adds court clerks to the obstruction of justice statute.

*Patron - Lewis*

**[F]SB391 Driving after forfeiture of license.** Provides that a person may be guilty of an offense of driving or operating a motor vehicle (i) after his driver's license has been revoked for certain offenses, (ii) in violation of the terms of a restricted license, (iii) without an ignition interlock system if one is required, or (iv) if the person's license had been restricted, suspended, or revoked for certain driving under the influence offenses, with a blood alcohol content of 0.02 per-

cent or more, only if such person was driving or operating the motor vehicle on a highway.

*Patron - Surovell*

**[F]SB396 Resisting arrest; penalty.** Removes the requirement that a person flee in order to be convicted of the Class 1 misdemeanor of resisting arrest and replaces it with failing to submit to the lawful commands of a law-enforcement officer or failing to allow oneself to be physically taken into custody by using either active or passive means to resist.

*Patron - DeSteph*

**[F]SB409 Harassment by computer; impersonating another; penalty.** Provides that a person who uses a computer to communicate obscene, vulgar, profane, lewd, lascivious, or indecent language, make an obscene proposal, or threaten an illegal or immoral act with the intent to defraud any person is guilty of harassment by computer, a Class 1 misdemeanor. Under current law, in order to be guilty of harassment by computer, a person must have the intent to coerce, intimidate, or harass any person. The bill also provides that it is a Class 6 felony to commit harassment by computer if the person has assumed the identity of another living individual.

*Patron - Barker*

**[F]SB411 Firearms; removal from persons posing substantial risk; penalties.** Creates a procedure by which an attorney for the Commonwealth or law-enforcement officer may apply to a circuit court judge for a warrant to remove firearms from a person who poses a substantial risk of injury to himself or others. If firearms are seized pursuant to such warrant, the bill requires a court hearing within 14 days from execution of the warrant to determine whether the firearms should be returned or retained by law enforcement. Seized firearms may be retained by court order for up to 180 days or, with court approval, may be transferred to a third party chosen by the person from whom they were seized. Persons who have been served with a warrant to remove firearms or who are the subject of an order to retain firearms are disqualified from having a concealed handgun permit or purchasing a firearm from a licensed dealer and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person whom he knows has been served with a warrant or who is the subject of an order is guilty of a Class 6 felony.

*Patron - Barker*

**[F]SB430 Sale of firearms; Terrorist Screening Database.** Requires a check of the Terrorist Screening Database prior to purchasing a firearm from a dealer. The State Police will be required to consult with the Terrorist Screening Center to determine if a potential firearms purchaser is in the Database. A person whose name is in the Database will be disqualified from purchasing a firearm. A second enactment clause provides that the bill will not go into effect unless the U.S. Department of Justice approves the policies and procedures set out in the bill.

*Patron - Saslaw*

**[F]SB485 False statements to members of the General Assembly; state employees and appointees.** Provides that any state employee or person serving in an appointed position who knowingly and willfully makes any materially false statement or representation to a member of the General Assembly who is in the course of conducting an inquiry or investigation in his official capacity or on behalf of any committee or subcommittee of the Senate or House of Delegates is guilty of a Class 1 misdemeanor. The bill defines "state employee" and "appointed position."

*Patron - DeSteph*

**SB511 Battery; school employees; penalty (Lindsay's Law).** Increases the penalty for battery against a public or private school employee engaged in the performance of his duties from a Class 1 misdemeanor with a 15-day jail sentence, two days of which are a mandatory minimum term of confinement, to a Class 6 felony with a six-month mandatory minimum sentence and adds preschool employees to the employees covered by this provision.

*Patron - Sturtevant*

**SB520 Concealed handgun permit; demonstration of competence.** Removes the option for concealed handgun permit applicants to demonstrate competence with a handgun by completing an electronic, video, or online course conducted by a state-certified or National Rifle Association-certified firearms instructor. The bill does not affect any in-person means of satisfying the requirement to demonstrate competence with a handgun under current law.

*Patron - McPike*

**SB584 Unmanned aircraft systems; invasion of privacy; civil action; criminal violations.** Creates a civil cause of action for the physical and constructive invasion of privacy where a person uses an unmanned aircraft system to enter into the airspace above the land of another person to capture an image, as specified in the bill, of private property or an individual located on the private property without consent or uses an unmanned aircraft system to capture such an image in lieu of physically entering the land or airspace. The bill allows a plaintiff to recover the greater of actual damages or \$1,000, along with reasonable attorney fees and costs. The bill allows a court to award punitive damages when actual damages are awarded. The bill also creates crimes for using an unmanned aircraft for unauthorized surveillance of property and persons on the property, peeping and spying, and for taking photographs after receiving written notice that the landowner or individual objects.

*Patron - McEachin*

**SB613 Driver's license; marijuana possession.** Revises the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense to provide that the provision does not apply to deferred disposition of simple possession of marijuana. The exception applies only to adults; juveniles will still be subject to license suspension. The provisions of the bill are contingent upon the Governor's certifying, in accordance with federal law, to the U.S. Secretary of Transportation that the Governor is opposed and that the General Assembly has adopted a resolution stating its opposition to a law requiring a six-month driver's license suspension or revocation upon a person's conviction for a drug offense and written assurance from the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of implementation of the bill. This bill was incorporated into SB 327.

*Patron - Garrett*

**SB616 Out-of-state concealed handgun permits; photo identification.** Removes certain requirements for an out-of-state concealed handgun permit or license to be recognized and accepted in Virginia and instead requires an out-of-state permit or license holder to carry a government-issued photo identification and present his permit or license and such identification upon demand by a law-enforcement officer in order for his out-of-state permit or license to be recognized and accepted in Virginia. This bill was incorporated into SB 610.

*Patron - Chase*

**SB628 Threats of death or bodily injury; penalty.** Removes the requirement that a threat of death or bodily injury

be communicated in a writing for the offense of threatening to kill or do bodily injury to a person or any member of his family or for the enhanced penalty for threatening to kill or do bodily harm at a school, on a school bus, or at a school-sponsored event.

*Patron - Locke*

**SB648 Abortion; informed written consent.** Provides that a woman seeking an abortion may decline to participate with any of the procedures or processes required to effect the informed written consent, including the performance of ultrasound imaging, that must be obtained by the physician performing the abortion prior to the performance of the abortion.

*Patron - Favola*

**SB654 Domestic violence-related misdemeanors; enhanced penalty.** Punishes a misdemeanor offense of violating a protective order, assault and battery against a family or household member, or stalking as a Class 6 felony if the person charged had been previously convicted of any of these offenses, however punished, or assault or bodily wounding within the preceding 20 years if the victim of the prior and the instant offenses was the same.

*Patron - Vogel*

**SB655 Protective orders; assault and battery; penalty.** Provides that a person who is the subject of a protective order who commits an assault and battery resulting in bodily injury on the person protected by the order is guilty of a Class 6 felony. Currently, the assault and battery must result in serious bodily injury in order for the offense to be punishable as a Class 6 felony.

*Patron - Vogel*

**SB677 Fees for concealed handgun permits.** Makes the \$10 fee that the clerk of court is now required to charge for processing a concealed handgun permit application or issuing a concealed handgun permit discretionary with the clerk.

*Patron - Chase*

**SB694 Shooting in or across road or in street.** Provides that a person who possesses a loaded firearm, crossbow, or bow and arrow for the purpose of hunting in any road or street of a city or town is guilty of a Class 4 misdemeanor.

*Patron - Marsden*

**SB699 Out-of-state concealed handgun permits; photo identification; reciprocal agreements.** Removes certain requirements for an out-of-state concealed handgun permit or license to be recognized and accepted in Virginia and instead requires an out-of-state permit or license holder to carry a government-issued photo identification and present his permit or license and such identification upon demand by a law-enforcement officer in order for his out-of-state permit or license to be recognized and accepted in Virginia. The bill also requires the Superintendent of State Police to enter into agreements for reciprocal recognition with any state that requires such an agreement in order to establish reciprocity for residents of the Commonwealth to carry concealed handguns in that state. This bill was incorporated into SB 610.

*Patron - Carrico*

**SB713 Concealed Carry Reciprocity Advisory Commission.** Establishes the Concealed Carry Reciprocity Advisory Commission (the Commission) as a legislative commission. The Commission will review the laws of other states to determine whether the Commonwealth should recognize concealed handgun or concealed weapon permits in other states and will approve the entering into and rescinding of reciprocity agreements with other states. The bill provides that



until December 31, 2016, the Superintendent of State Police shall recognize any valid concealed handgun or concealed weapon permit or license issued by another state where such state's permit or license was, as of December 31, 2015, recognized by the Superintendent of State Police as authorizing the holder of such permit or license to carry a concealed handgun in the Commonwealth.

*Patron - Hanger*

**SB716 Firearm transfers; penalties.** Creates a Class 3 misdemeanor for a person who is not a licensed dealer but who conducts business as a merchant of firearms to sell a firearm without a background check conducted by a federally licensed dealer. The bill exempts transfers to family members, personal friends, by inheritance, by operation of law, or for a temporary purpose.

*Patron - Edwards*

**SB729 Use of unmanned aircraft system to commit crime or obstruct services; penalty.** Provides that a person is guilty of a Class 1 misdemeanor if he knowingly uses or attempts to use an unmanned aircraft system (i) to commit or attempt to commit a crime, (ii) while obstructing or attempting to obstruct the delivery of emergency medical services by emergency medical services agency personnel, or (iii) while obstructing or attempting to obstruct a law-enforcement officer or animal control officer in the performance of his duties.

*Patron - Stuart*

**SB730 Driving while texting; manslaughter; maiming; penalties.** Provides that a person who as a result of driving while in violation of § 46.2-1078.1, which prohibits the use of handheld devices in certain vehicles, unintentionally causes the death of another person is guilty of involuntary manslaughter, or aggravated involuntary manslaughter if the defendant's conduct was so gross, wanton, and culpable as to show a reckless disregard for human life. The bill establishes the penalty for aggravated involuntary manslaughter as one to 20 years' imprisonment with a mandatory minimum of one year imprisonment. The bill creates a Class 6 felony if the driving while in violation of § 46.2-1078.1 is so gross, wanton, and culpable as to show a reckless disregard for human life and results in the unintentional serious bodily injury of another resulting in permanent and significant physical impairment. The bill also adds the new crimes as crimes eligible for compensation under the Criminal Injuries Compensation Fund.

*Patron - Stuart*

**SB755 Violations of protective orders; penalty.** Provides that any person who commits any assault or bodily wounding upon or stalks any party protected by a protective order is guilty of a Class 6 felony. Currently, the Class 6 felony is only applicable if the person commits an assault and battery that results in serious bodily injury to the protected party.

*Patron - Stuart*

**SB760 Malicious impersonation using computer; penalty.** Provides that it is a Class 1 misdemeanor for a person to knowingly and with malice impersonate a living individual without his authorization through the use of a computer and with the intent to defraud or injure that person in his reputation, trade, business, or profession. The bill provides that an impersonation is credible if a reasonable person would believe that the defendant was in fact the person who was impersonated.

*Patron - McEachin*

**SB764 Recognition of out-of-state concealed handgun permits.** Provides that the holder of an out-of-state concealed handgun permit who is at least 21 years of age is authorized to carry a concealed handgun in Virginia if he carries

a government-issued photo identification and presents his permit or license and such identification upon demand by a law-enforcement officer. The bill requires the Attorney General to enter into agreements for reciprocal recognition with other states that require an agreement to be in place before the state will recognize a Virginia concealed handgun permit as valid in the state. Current law recognizes concealed handgun permits issued by states that (i) provide a 24-hour-a-day means of verification of the validity of the permits issued in that state and (ii) have requirements and qualifications that are adequate to prevent possession of a permit by persons who would be denied a permit in Virginia. The bill also provides that an out-of-state permit issued to a Virginia resident is not valid if the person would not qualify for a Virginia permit. This bill was incorporated into SB 610.

*Patron - Suetterlein*

## Carried Over

**HB96 Problem-Solving Courts; established.** Establishes the Problem-Solving Court Act (the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal reentry. The bill establishes a state problem-solving court docket advisory committee and requires localities intending to establish such courts to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1).

*Patron - Lingamfelter*

**HB102 Felony homicide; certain drug offenses; penalty.** Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. This bill serves to overrule the Court of Appeals of Virginia decision in *Woodard v. Commonwealth*, 61 Va. App. 567, 739 S.E.2d 220 (2013), *aff'd*, 287 Va. 276, 754 S.E.2d 309 (2014).

*Patron - Lingamfelter*

**HB602 Petit larceny; prior convictions; penalty.** Provides that, if it is alleged in the warrant, indictment, or information that a person had previously been convicted of larceny or any offense deemed to be or punished as larceny, robbery, or carjacking, such person shall, upon conviction for larceny or any offense deemed to be or punished as larceny, receive a jail sentence of at least 30 days or, if two or more prior offenses are alleged, be guilty of a Class 6 felony. Currently, only prior offenses of larceny or any offense deemed to be or punished as larceny is considered for purposes of applying the enhanced penalty.

*Patron - Bell, Robert B.*

**HB625 Abduction of minor for the purpose of prostitution.** Expands the class of minors who may be the victim of the crime of abduction of a minor for the purpose of concubi-



nage or prostitution, a crime punishable as a Class 2 felony, from minors under 16 years of age to all minors, that is, anyone under 18 years of age.

*Patron - Bell, Robert B.*

**[C]HB754 Domestic violence-related misdemeanors; enhanced penalty.** Punishes a misdemeanor offense of violating a protective order, assault and battery against a family or household member, or stalking as a Class 6 felony if the person charged had been previously convicted of any of these offenses, however punished, or assault or bodily wounding within the preceding 20 years if the victim of the prior and the instant offenses was the same.

*Patron - Bell, Robert B.*

**[C]HB765 First offense assault and battery against a family or household member; enhanced penalties.** Provides that the deferral and dismissal of a first offense of assault and battery against a family or household member will be treated as a prior conviction for the purpose of determining whether a person is eligible for the enhanced Class 6 felony penalties for stalking or assault and battery against a family or household member that apply based on a person's prior convictions.

*Patron - Gilbert*

**[C]HB809 Sale of firearms; persons not lawfully present in United States; penalty.** Provides that the crime of selling, bartering, giving, or furnishing or possessing with the intent to sell, barter, give, or furnish a firearm to a person knowing that such person is prohibited from possessing or transporting a firearm because he is not lawfully present in the United States applies to assault firearms.

*Patron - Lingamfelter*

**[C]HB922 Computer trespass; government computers and computers used for public utilities.** Increases the Class 1 misdemeanor computer trespass crimes to a Class 6 felony if the computer targeted is one that is exclusively for the use of, or used by or for, the Commonwealth of Virginia, a local government within the Commonwealth, or certain public utilities.

*Patron - Mason*

**[C]HB963 Pain-Capable Unborn Child Protection Act; penalty.** Creates the Pain-Capable Unborn Child Protection Act (the Act). The Act prohibits an abortion after 20 weeks gestation unless, in reasonable medical judgment, the mother has a condition that so complicates her medical condition as to necessitate the abortion to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function. When an abortion is not prohibited post-20 weeks' gestation, the physician is required to terminate the pregnancy in a manner that would provide the unborn child the best opportunity to survive. The bill punishes performance of an abortion in violation of the Act as a Class 4 felony. The bill also provides for civil remedies against a physician who performs an abortion in violation of the Act.

*Patron - LaRock*

**[C]HB1196 Resisting arrest; penalty.** Provides that a person is guilty of resisting arrest, punishable as a Class 1 misdemeanor, if a person intentionally prevents or attempts to prevent a lawful arrest by failing to allow himself to be physically taken into custody by using any physical means to resist.

*Patron - Anderson*

**[C]HB1233 Charitable gaming; conduct of bingo games.** Removes the provision limiting the conduct of bingo games to the locality or adjoining locality where the charitable

organization conducting the bingo game has regularly been in existence.

*Patron - Leftwich*

**[C]HB1262 Charitable gaming; conduct of instant bingo, network bingo, pull tabs, and seal cards.** Removes the requirement that the playing of instant bingo, network bingo, pull tabs, and seal cards games only occur when regular bingo games are played. The bill also removes the limitation as to the number of times such games may be played by a charitable organization.

*Patron - Robinson*

**[C]HB1302 Charitable gaming; conduct of bingo games.** Increases from two to four the number of days per week on which bingo games may be conducted. The bill provides that this four-day limitation does not apply to any building or other premises owned by (i) a qualified organization that is exempt from taxation pursuant to § 501(c) of the Internal Revenue Code or (ii) any county, city, or town.

*Patron - Hodges*

**[C]HB1317 Sexual abuse of certain children; penalty.** Provides that an adult who sexually abuses a child who is 13 or 14 years old where such act is accomplished against the will of the child by ruse is guilty of aggravated sexual battery, a felony punishable by a sentence of not less than one nor more than 20 years.

*Patron - Cline*

**[C]HB1328 Unfaithful delegates; penalty.** Provides that an individual representing the Commonwealth at a convention for proposing amendments to the United States Constitution called pursuant to Article V of the United States Constitution who knowingly and intentionally votes for a proposed amendment that is outside the scope of the application calling for the convention is guilty of a Class 5 felony.

*Patron - Cline*

**[C]SB26 Problem-Solving Dockets; established.** Establishes, by the Problem-Solving Docket Act (the Act), problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal reentry. The bill establishes a state problem-solving docket advisory committee and requires localities intending to establish such dockets to establish local problem-solving docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1).

*Patron - Reeves*

**[C]SB53 Ultrasound prior to abortion.** Removes the requirement that a woman undergo a fetal transabdominal ultrasound prior to an abortion.

*Patron - Locke*

**[C]SB66 Felony homicide; certain drug offenses; accommodation; penalty.** Provides that a person is guilty of felony homicide, which constitutes second degree murder and is punishable by confinement of not less than five nor more than 40 years, if the underlying felonious act that resulted in the killing of another involved the manufacture, sale, gift, or distribution of a Schedule I or II controlled substance to another and (i) such other person's death results from his use of the controlled substance and (ii) the controlled substance is the proximate cause of his death. The bill also provides that venue for a prosecution of this crime shall lie in the locality where the

underlying felony occurred, where the use of the controlled substance occurred, or where death occurred. There is an accommodation provision and an affirmative defense if the person giving or distributing the drugs did so as an accommodation, stayed with the person overdosing, seeks medical help, identifies himself to law enforcement, and cooperates in the criminal investigation. This bill serves to overrule the Court of Appeals of Virginia decision in *Woodard v. Commonwealth*, 61 Va. App. 567, 739 S.E.2d 220 (2013), *aff'd*, 287 Va. 276, 754 S.E.2d 309 (2014).

*Patron - Wexton*

**SB100 Department of Agriculture and Consumer Services; charitable gaming; audit and administration fee; adjusted gross receipts.** Limits the audit and administration fee to no more than 1.25 percent of the adjusted gross receipts of a charitable organization, defined as the total amount of money received by the organization from charitable gaming before the deduction of expenses and excluding prizes paid out. Under current law, such fee is limited to 1.25 percent of the gross receipts, which includes prizes.

*Patron - Cosgrove*

**SB178 Concealed handgun permits; reciprocity.** Requires the General Assembly, in consultation with the Office of the Attorney General, to determine whether states meet the statutory qualifications for Virginia to recognize the concealed handgun permit of a person from another state. Under current law, this function is performed by the Superintendent of State Police in consultation with the Office of the Attorney General. The bill also requires the Superintendent of State Police to enter into agreements for reciprocal recognition with any state that qualifies.

*Patron - Garrett*

**SB187 Transfer of firearms; permit required.** Requires the Department of State Police to establish procedures for issuing firearms transfer permits and provides that a person, other than a licensed dealer, who willfully and intentionally transfers a firearm to a person without a permit is guilty of a Class 1 misdemeanor.

*Patron - Marsden*

**SB317 Veterans Dockets; established.** Establishes, by the Veterans Docket Act (the Act), problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service. The bill establishes a state veterans docket advisory committee and requires localities intending to establish such dockets to establish local veterans docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1).

*Patron - Alexander*

**SB380 Behavioral Health Dockets; established.** Establishes, by the Behavioral Health Docket Act (the Act), behavioral health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have mental illness and co-occurring substance abuse issues. The bill establishes a state behavioral health docket advisory committee and requires localities intending to establish such dockets to establish local behavioral health docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the

Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1).

*Patron - Vogel*

**SB546 Purchase, possession, or transportation of firearms following convictions for certain misdemeanor crimes; penalty.** Prohibits a person who has been convicted of misdemeanor sexual battery or assault and battery where the victim is a family or household member from purchasing, possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor.

*Patron - Favola*

**SB644 Battery; public transportation operators; penalty.** Provides that the punishment for battery of a person who is the operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties is a Class 1 misdemeanor, including a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

*Patron - Alexander*

## Criminal Procedure

### Passed

**HB70 Issuance of warrants by magistrates.** Provides that a magistrate may not issue an arrest warrant for a misdemeanor offense where the accused is a law-enforcement officer and the alleged offense arises out of the performance of his public duties upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency. The bill provides for the appointment of an attorney for the Commonwealth from outside the jurisdiction if a conflict of interest exists for the attorney for the Commonwealth having jurisdiction.

*Patron - Miller*

**HB176 Installation of pen register or trap and trace device; jurisdiction.** Allows a court in the jurisdiction where an ongoing criminal investigation is being conducted or where there is probable cause to believe an offense was committed, is being committed, or will be committed to issue an order approving the installation and use of a pen register or trap and trace device. Currently, only a court in the jurisdiction where the person who will be the subject of the pen register or trap and trace device lives, works, or maintains an address or a post office box may order its installation.

*Patron - Albo*

**HB198 Application for special conservator of the peace by locality.** Provides that no official or employee of a school board or county, city, or town may submit an application to a circuit court judge for the appointment of a special conservator of the peace without attaching a written assessment of the need for such appointment from the chief law-enforcement officer of the locality to the application.

*Patron - Lingamfelter*

**HB227 Hearsay; exception; children; certain felonies.** Establishes a hearsay exception to certain out-of-court statements made by a child under the age of 13 at the time of trial in cases involving a violation or attempted violation of an "offense against children." The bill contains a list of certain felony sex offenses and certain felony offenses resulting in physi-

cal injury that fall within the definition of an "offense against children." The court must hold a hearing prior to trial and find that the time, content, and totality of the circumstances provide sufficient indicia of reliability so as to render such statement inherently trustworthy. The bill provides factors for the court to consider in making such a determination. Notice of intent to offer the statement and the particulars of the statement must be given to the adverse party at least 14 days in advance of the proceedings. This bill is identical to SB 358.

*Patron - Albo*

**HB326 Obtaining electronic communication service or remote computing service records.** Provides that any subpoena issued by a court or grand jury, search warrant, or court order directing a provider of electronic communication service or remote computing service to disclose certain information related to a customer may require that the service provider not disclose the existence of the subpoena, search warrant, or order, except to an attorney to obtain legal advice, for a period of 90 days, subject to renewal for additional 90-day periods, if the victim is under 18 and disclosure of the existence of the subpoena, search warrant, or order will endanger the life or physical safety of an individual, or lead to flight from prosecution, the destruction of or tampering with evidence, the intimidation of potential witnesses, or otherwise seriously jeopardize an investigation. The bill also provides that only a circuit court can issue an order for disclosure from a service provider when such disclosure is relevant and material to an ongoing criminal investigation or the investigation of certain missing persons.

*Patron - Albo*

**HB364 Fees for court-appointed attorney providing representation in commitment proceedings in a criminal case.** Increases from \$25 to \$150 the fee paid to a court-appointed attorney for providing representation in commitment proceedings in a criminal case.

*Patron - Loupassi*

**HB510 Statute of limitations; sexual crimes against minors.** Extends the statute of limitations to one year after the victim reaches 18 years of age for misdemeanor violations of the following crimes: carnal knowledge of offender by employee of bail bond company, sexual battery, infected sexual battery, sexual abuse of a child age 13 or 14 by an adult, attempted sexual battery, and tongue penetration by adult of mouth of child under age 13. Under existing law, there is a one-year statute of limitations on most misdemeanors. This bill is a recommendation of the Virginia State Crime Commission and is identical to SB 354.

*Patron - Herring*

**HB543 Involuntary psychiatric admission from local correctional facility.** Clarifies that for the purposes of petitioning for the involuntary psychiatric treatment of an inmate in a local correctional facility, the petition shall be filed by the sheriff or other person in charge of the local correctional facility where the inmate is incarcerated. This bill is identical to SB 566.

*Patron - Watts*

**HB572 Fines and costs; interest; statutes of limitation on collection; minimum payments.** Provides that a person may move any court in which he owes fines and costs imposed in a criminal case to waive any interest that accrued on such fines and costs during any term of incarceration and that such waiver shall be granted upon certification of the person's incarceration by the official in charge of the facility where such person was incarcerated. The bill clarifies that the general statutes of limitation apply to collection of fines and costs. The bill also requires that the provisions of deferred or

installment payment agreements, including any required minimum payments, be consistent with the Rules of Supreme Court of Virginia.

*Patron - Albo*

**HB582 Criminal defendants; evaluation for insanity or competence.** Sets qualifications for persons who conduct evaluations of criminal defendants where there is an issue of sanity or competency to stand trial. Evaluators will be required to send redacted copies of their reports to the Commissioner of Behavioral Health and Developmental Services for peer review in order to establish and maintain the list of approved evaluators.

*Patron - Yost*

**HB588 Protective orders; contacts.** Provides that an emergency protective order may prohibit the respondent from being in the physical presence of the petitioner or the petitioner's family or household members. The bill provides that the term "physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii) unreasonably being within 100 feet of the petitioner's residence or place of employment.

*Patron - Campbell*

**HB605 Restitution; revocation of probation or suspended sentence.** Provides that a court may conduct a hearing to revoke a person's probation or suspended sentence within three years after the expiration of the period of probation or suspension if the person has failed to pay restitution before such expiration. Under current law, such a hearing must be conducted within one year after the expiration of the period of probation or suspension.

*Patron - Bell, Robert B.*

**HB608 Immediate sanction probation programs; extension.** Extends the sunset provision on the establishment of immediate sanction probation programs, which provides for expedited proceedings for probation violations for certain non-violent offenders, from July 1, 2016, to July 1, 2017.

*Patron - Bell, Robert B.*

**HB645 Criminal defendants; orders for competency and sanity evaluations and hospitalization.** Requires the clerk of court to provide a copy of the order for an evaluation for sanity, competency to stand trial, and competency restoration to the appointed evaluator or hospital as soon as practicable but no later than the close of business on the next business day following entry of the order. The evaluator or hospital must acknowledge receipt of the order to the clerk on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia. The bill also requires the same verification of receipt procedures for an order for psychiatric hospitalization of an inmate from a local correctional facility. The bill also provides that no person will be liable for any act or omission relating to any requirement in the bill unless the person was grossly negligent or engaged in willful misconduct. This bill is identical to SB 342.

*Patron - Leftwich*

**HB667 Criminal Injury Compensation Fund; claims.** Provides that for crimes committed on or after July 1, 1977, and before July 1, 2000, where the period of time to file a claim with the Criminal Injury Compensation Fund (the Fund) has been extended because of newly discovered evidence, the Virginia Workers' Compensation Commission, which administers the Fund, may consider expenses and loss of earnings that the claimant accrued after the date of the newly discovered evidence as stipulated in written notification from the attorney for the Commonwealth. Currently, consideration

could be given only to expenses that accrued after the date the Commission received notification from the attorney for the Commonwealth that the crime was being investigated for newly discovered evidence. The bill applies to claims filed with the Fund on or after July 1, 2014.

*Patron - Peace*

**HB771 Asset forfeiture.** Prohibits a law-enforcement agency from requesting, requiring, or otherwise inducing a person who asserts a lawful right to property seized for the purpose of forfeiture to waive his interest in or rights to the property until an information is filed. The bill allows attorneys for the Commonwealth to electronically notify the Department of Motor Vehicles, in a manner approved by the Commissioner, that a vehicle has been seized. A provision is added allowing a forfeiture proceeding to be stayed if it is also related to a warrant. The Department of Criminal Justice Services will be required to prepare an annual report to the Governor and General Assembly regarding information on all drug and nondrug asset seizures and forfeitures. The report shall be available to the public. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to SB 423.

*Patron - Gilbert*

**HB875 Disclosure of real-time location data in emergencies.** Provides that an investigative or law-enforcement officer may obtain real-time location data from an electronic communication service or remote computing service provider when the officer believes that an emergency involving immediate danger to a person requires such disclosure and a warrant for such disclosure cannot be obtained in time to prevent the identified danger, regardless of whether the service provider believes that such disclosure is required by the emergency.

*Patron - Hugo*

**HB924 Electronic communications; admissibility of written reports or records.** Allows the provider of an electronic communication service or remote computing service to verify the authenticity of written reports or records that it discloses by providing an affidavit from the custodian of the written records (or the person to whom the custodian reports) certifying that they are true and complete copies of the reports or records and were prepared in the regular course of business. When so authenticated no other evidence of authenticity is necessary, and the reports or records shall be considered business records for the purposes of the business records exception to the hearsay rule. The bill specifies that the contents of electronic communications shall not be considered part of such business records.

*Patron - Mason*

**HB1059 Virginia Criminal Sentencing Commission; heroin.** Directs the Virginia Criminal Sentencing Commission to evaluate judge-sentencing and jury-sentencing patterns and practices in cases of manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute heroin across the Commonwealth and recommend adjustments in the sentencing guidelines previously adopted by the Commission.

*Patron - Bell, Robert B.*

**HB1149 Expungement of police and court records; costs.** Provides that any costs paid by a person who petitions for the expungement of police and court records related to a crime of which the person was acquitted or the charge of which was otherwise dismissed shall be refunded to such person if the petition is granted.

*Patron - Spruill*

**HB1160 Physical evidence recovery kits.** Establishes a comprehensive procedure for the collection and analysis of physical evidence recovery kits for victims of sexual assault, including those who elect at the time of the exam not to report a sexual assault to a law-enforcement agency. Kits from victims who elect not to report are known as "anonymous physical evidence recovery kits" and will be stored at the Division of Consolidated Laboratory Services (the Division) for two years, although the Division, the victim, or the law-enforcement agency may elect for the kits to be retained for a longer period of time. If the victim later elects to report the sexual assault, the victim's kit will be released to law enforcement. Health care providers are required to explain these procedures and time frames to victims. Where the victim elects to report the offense to law enforcement at the time of the exam, law enforcement is required to take possession of the victim's kit forthwith upon notification from the health care provider that the kit has been collected and, with limited exceptions, to submit the kit to the Department of Forensic Science for analysis within 60 days. The bill outlines the exceptions to mandatory submission for analysis, time frames, and storage requirements for retention of analyzed samples; expungement of DNA samples obtained but not connected to a crime; and victims' notification rights. This bill incorporates HB 1158 and is identical to SB 291.

*Patron - Bell, Robert B.*

**HB1275 Copies of statements in support of arrest warrants.** Provides that if an officer authorized to issue criminal warrants does not issue an arrest warrant in response to a written complaint, the written statement shall be returned to the complainant.

*Patron - Fariss*

**HB1294 Multi-jurisdiction grand juries; access to record of testimony and evidence.** Permits access to the transcript of multi-jurisdiction grand jury proceedings and the evidence presented to such grand jury by the attorney for the Commonwealth or United States attorney of any jurisdiction where the offense investigated by such grand jury could be prosecuted or investigated. The bill also permits a person being prosecuted with evidence presented to a multi-jurisdiction grand jury similar access.

*Patron - Cline*

**HB1310 Failure to appear; service of process.** Provides that a summons for failure to appear on a mailed summons may be served by any person authorized to serve process. Under existing law, any person age 18 or older who is not a party or otherwise interested in the subject matter in controversy may serve process. This bill is identical to SB 707.

*Patron - Leftwich*

**SB285 Bail appeal; presumption against bail.** Requires a district court to stay the imposition of its order granting bail in cases where there was a presumption against bail if the court receives notice that the Commonwealth is going to appeal the court's decision to the circuit case. The stay is limited to five days but can be waived if the defendant requests a hearing outside the five days.

*Patron - McEachin*

**SB291 Physical evidence recovery kits.** Establishes a comprehensive procedure for the collection and analysis of physical evidence recovery kits for victims of sexual assault, including those who elect at the time of the exam not to report a sexual assault to a law-enforcement agency. Kits from victims who elect not to report are known as "anonymous physical evidence recovery kits" and will be stored at the Division of Consolidated Laboratory Services (the Division) for two years, although the Division, the victim, or the law-enforcement

agency may elect for the kits to be retained for a longer period of time. If the victim later elects to report the sexual assault, the victim's kit will be released to law enforcement. Health care providers are required to explain these procedures and time frames to victims. Where the victim elects to report the offense to law enforcement at the time of the exam, law enforcement is required to take possession of the victim's kit forthwith upon notification from the health care provider that the kit has been collected and, with limited exceptions, to submit the kit to the Department of Forensic Science for analysis within 60 days. The bill outlines the exceptions to mandatory submission for analysis, time frames, and storage requirements for retention of analyzed samples; expungement of DNA samples obtained but not connected to a crime; and victims' notification rights. This bill incorporates SB 158 and SB 159 and is identical to HB 1160.

*Patron - Black*

**SB296 Special conservators of the peace; criminal history record information check required.** Requires that a criminal history record information check be part of the background investigation required for appointment or temporary registration as a special conservator of the peace. The bill provides that no person who would be prohibited from possessing, transporting, or purchasing a firearm is eligible for appointment as a special conservator of the peace.

*Patron - DeSteph*

**SB342 Criminal defendants; orders for competency and sanity evaluations and hospitalization.** Requires the clerk of court to provide a copy of an order for an evaluation for sanity, competency to stand trial, or competency restoration to the appointed evaluator or hospital as soon as practicable but no later than the close of business on the next business day following entry of the order. The evaluator or hospital must acknowledge receipt of the order to the clerk on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia. The bill also requires the same verification of receipt procedures for an order for psychiatric hospitalization of an inmate from a local correctional facility. The bill also provides that no person will be liable for any act or omission relating to any requirement in the bill unless the person was grossly negligent or engaged in willful misconduct. This bill is identical to HB 645.

*Patron - Lucas*

**SB354 Statute of limitations; sexual crimes against minors.** Extends the statute of limitations to one year after the victim reaches 18 years of age for misdemeanor violations of the following crimes: carnal knowledge of offender by employee of bail bond company, sexual battery, infected sexual battery, sexual abuse of a child age 13 or 14 by an adult, attempted sexual battery, and tongue penetration by adult of mouth of child under age 13. Under existing law, there is a one-year statute of limitations on most misdemeanors. This bill is a recommendation of the Virginia State Crime Commission and is identical to HB 510.

*Patron - Deeds*

**SB358 Hearsay; exception; children; certain felonies.** Establishes a hearsay exception to certain out-of-court statements made by a child under the age of 13 at the time of trial in cases involving a violation or attempted violation of an "offense against children." The bill contains a list of certain felony sex offenses and certain felony offenses resulting in physical injury that fall within the definition of an "offense against children." The court must hold a hearing prior to trial and find that the time, content, and totality of the circumstances provide sufficient indicia of reliability so as to render such statement inherently trustworthy. The bill provides factors for the court to

consider in making such a determination. Notice of intent to offer the statement and the particulars of the statement must be given to the adverse party at least 14 days in advance of the proceedings. This bill incorporates SB 421 and is identical to HB 227.

*Patron - McDougale*

**SB423 Asset forfeiture.** Prohibits a law-enforcement agency from requesting, requiring, or otherwise inducing a person who asserts a lawful right to property seized for the purpose of forfeiture to waive his interest in or rights to the property until an information is filed. The bill allows attorneys for the Commonwealth to electronically notify the Department of Motor Vehicles, in a manner approved by the Commissioner, that a vehicle has been seized. A provision is added allowing a forfeiture proceeding to be stayed if it is also related to a warrant. The Department of Criminal Justice Services will be required to prepare an annual report to the Governor and General Assembly regarding information on all drug and nondrug asset seizures and forfeitures. The report shall be available to the public. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 771.

*Patron - Howell*

**SB457 Asset forfeiture; burden of proof.** Changes the Commonwealth's burden of proof to clear and convincing evidence from preponderance of the evidence in proving that the property is subject to forfeiture in civil asset forfeiture cases.

*Patron - Carrico*

**SB566 Involuntary psychiatric admission from local correctional facility.** Clarifies that for the purposes of petitioning for the involuntary psychiatric treatment of an inmate in a local correctional facility, the petition shall be filed by the sheriff or other person in charge of the local correctional facility where the inmate is incarcerated. This bill is identical to HB 543.

*Patron - Barker*

**SB707 Failure to appear; service of process.** Provides that a summons for failure to appear on a mailed summons may be served by any person authorized to serve process. Under existing law, any person age 18 or older who is not a party or otherwise interested in the subject matter in controversy may serve process. This bill is identical to HB 1310.

*Patron - Chafin*

## Failed

**HB48 Forfeiture of property used in connection with the commission of crimes; finding of guilt required.** Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property has not submitted a written demand for the return of the property within one year from the date the property was seized.

*Patron - Cole*

**HB53 Juvenile offenders; sentence modification.** Provides a mechanism for a person convicted of a nonhomicide offense committed on or after January 1, 1995, while the person was a juvenile, and who is sentenced to life or a term of confinement that would be completed after his 60th birthday, to

petition for a modification of sentence at age 35 or after serving 20 years of the sentence, whichever occurs later.

*Patron - Rasoul*

**[F]HB74 Expungement of misdemeanor drug offenses.** Allows a person convicted of a first offense of possession of controlled substances or marijuana who was not afforded the opportunity to be placed on probation in lieu of a conviction to petition to have his conviction expunged after a 10-year period has expired following the conviction.

*Patron - Campbell*

**[F]HB84 Sentencing in capital cases.** Requires as part of sentencing in capital cases that, at the request of the defendant, a jury be instructed (i) that an individual who was sentenced to death in the Commonwealth and twice scheduled to be executed was later granted an absolute pardon absolving him of guilt for a capital murder conviction on the basis of DNA testing, (ii) about any cases in the United States in which an individual has been posthumously exonerated for a crime for which such individual was executed, and (iii) that eyewitness identifications have been shown in many cases to be inaccurate and highly susceptible to suggestion.

*Patron - Marshall, R.G.*

**[F]HB112 Expungement of certain charges and convictions.** Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's 21st birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.

*Patron - Lingamfelter*

**[F]HB142 Use of X-rays, etc.; search warrant required.** Provides that a law-enforcement officer, absent consent, shall not use any device that employs ionizing radiation to create an image of any place, thing, or person without a search warrant. The bill also provides that any evidence obtained by such a device without a warrant is not admissible in any criminal or civil proceeding.

*Patron - Marshall, R.G.*

**[F]HB188 Expungement of certain charges and convictions.** Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's 21st birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.

*Patron - Taylor*

**[F]HB194 Competency and sanity evaluations; capital murder; audiovisual recording.** Requires any evaluator evaluating a defendant's competency to stand trial or sanity to make an audiovisual recording of any interview conducted with a defendant charged with capital murder. The bill provides further that the recording shall be confidential and made available only to any other evaluator appointed by a court or obtained by a defendant for the purposes of evaluating the defendant's competency or sanity.

*Patron - O'Bannon*

**[F]HB246 Discovery in criminal cases; duty to provide.** Provides that the attorney for the Commonwealth, upon written notice by an accused to the court and to the attorney for the Commonwealth, must permit the accused to inspect, copy, or photograph (i) any relevant written or recorded statements or confessions made by the accused and the substance of any oral statements or confessions made by the accused to any law-

enforcement officer; (ii) any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the accused or the alleged victim; (iii) designated books, papers, documents, tangible objects, buildings, or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth; and (iv) any relevant police reports. The bill provides that the attorney for the Commonwealth may withhold or redact certain information from such disclosures made and that the accused may file a motion to compel disclosure of any information withheld or redacted.

*Patron - Cole*

**[F]HB361 Search warrants; person subject to arrest or who is unlawfully restrained.** Authorizes the issuance of a search warrant to search for and seize any person who is subject to arrest or who is unlawfully restrained.

*Patron - Loupassi*

**[F]HB372 Issuance of arrest warrants for felonies; written complaint.** Requires a written complaint from a law-enforcement officer as a condition of the issuance by a magistrate of an arrest warrant for a felony offense.

*Patron - Campbell*

**[F]HB517 Warrantless arrest; certain cases.** Allows a law-enforcement officer to make warrantless arrests for misdemeanors not committed in the officer's presence involving (i) reckless handling of a firearm; (ii) trespass on property where hunting, trapping, or fishing has been prohibited; or (iii) killing deer by use of certain lights when any such arrest is based on probable cause upon personal investigation.

*Patron - Landes*

**[F]HB591 Administrative subpoena; provider of electronic communication service or remote computing service; report.** Provides that every attorney for the Commonwealth and the Attorney General shall report annually on the number of administrative subpoenas issued by each to obtain certain records and other information from electronic communication service and remote computing service providers if relevant to a law-enforcement investigation of certain pornography, abduction, and prostitution crimes. Such report shall include the specific crime being investigated, whether the existence of the administrative subpoena was disclosed to the person investigated, whether such person was charged with a crime, and the specific crime for which such person was convicted, if any.

*Patron - Marshall, R.G.*

**[F]HB599 Transfer of firearms; criminal history record information check; penalties.** Adds a definition of "firearms show vendor" or "vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also requires that the promoter of a firearms show provide vendors access to licensed dealers who will conduct the criminal history record information check.

*Patron - Plum*

**[F]HB626 Admission to bail; strangulation.** Includes any offense of strangulation on the list of crimes charged for which there is a rebuttable presumption against admission to bail. Currently, only strangulation where the alleged victim is a family or household member of the perpetrator is on such list.

*Patron - Bell, Robert B.*

**[F]HB632 Transfer of firearms; criminal history record information check; penalties.** Adds a definition of

"firearms show vendor" or "vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also requires that the promoter of a firearms show provide vendors access to licensed dealers who will conduct the criminal history record information check.

*Patron - Bell, John J.*

**HB635 Certificate of relief from collateral criminal consequences.** Creates a procedure whereby a person who has been convicted of certain crimes can petition the court for a certificate of relief that will remove collateral consequences of the conviction. Persons cannot petition for relief for violent crimes nor for crimes for which registration on the sex offender registry is required, must wait 12 months after the completion of all terms of sentencing and probation, and must not have any pending criminal charges. The court may limit the effect of the certificate of relief and it can be revoked if the person is subsequently convicted of a crime.

*Patron - Loupassi*

**HB704 Electronic communications; contents; admissibility.** Allows the provider of an electronic communication service or remote computing service to verify the authenticity of contents of electronic communications by providing an affidavit from the custodian of the written records and reports (or the person to whom the custodian reports) certifying that they are true and complete and prepared in the regular course of business. The bill would allow the contents of electronic communications to be admissible in evidence as a business record exception to the hearsay rule. Under current law, the contents of the electronic communications are excluded from this process.

*Patron - McClellan*

**HB708 Expungement of certain charges and convictions.** Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's 21st birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.

*Patron - Simon*

**HB769 Statute of limitations; sexual crimes against minors.** Extends the statute of limitations to one year after the victim reaches 18 years of age for misdemeanor violations of the following crimes: carnal knowledge of offender by employee of bail bond company, sexual battery, infected sexual battery, sexual abuse of a child age 13 or 14 by an adult, attempted sexual battery, and tongue penetration by adult of mouth of child under age 13. Under existing law, there is a one-year statute of limitations on most misdemeanors.

*Patron - Gilbert*

**HB774 Conditions of release; pretrial services agency.** Provides that no person arrested for a felony or misdemeanor may be released into the custody of a pretrial services agency without a secured bond unless he is determined by a court to be indigent.

*Patron - Gilbert*

**HB776 Conditions of release; pretrial services agency.** Provides that a person may be released into the custody of a pretrial services agency only (i) if he has been arrested for a felony or certain misdemeanors involving acts or threats of violence, sexual offenses, or driving under the influ-

ence or (ii) if he has been determined to be indigent and incapable of executing a secure bond, for any other misdemeanor.

*Patron - Gilbert*

**HB932 Compensation of court-appointed counsel.** Increases from quarterly to monthly the frequency of reporting by the Executive Secretary of the Supreme Court of Virginia to the Governor, members of the House Appropriations Committee, and members of the Senate Finance Committee on the amounts paid for waivers of the limitations on compensation for court-appointed counsel. The bill also requires that this report be made to the clerk of each circuit court and district court and that the report contain the remaining balance of the funds appropriated to pay for waivers.

*Patron - Toscano*

**HB934 Expungement of certain misdemeanors.** Allows a person convicted of certain misdemeanors who has successfully completed all terms of probation to file a petition for expungement 10 years after the conviction if he has not been convicted of any other offense. DUI, child abuse or neglect, domestic violence, sex offenses, and crimes against persons do not qualify for expungement. Any conviction that is expunged will be considered a prior conviction for purposes of prosecution of any subsequent offense for which the prior conviction statutorily enhances punishment.

*Patron - Carr*

**HB996 Expungement of certain misdemeanor drug offenses.** Allows a person convicted of a misdemeanor offense of possession of a controlled substance or marijuana, or charged with such an offense which charge was deferred and dismissed, who has successfully completed all terms of probation to file a petition for expungement one year after the completion of such terms if he has not been convicted of any offense involving violence. Any conviction that is expunged will be considered a prior conviction for purposes of prosecution of any subsequent offense for which the prior conviction statutorily enhances punishment.

*Patron - Levine*

**HB1024 Collection of court costs by DMV.** Requires the Executive Secretary of the Supreme Court to enter into an agreement with the Commissioner of the Department of Motor Vehicles (DMV) for the collection of court fines, costs, forfeitures, and penalties and court-ordered restitution at DMV customer service centers. Currently, such agreement is permissible but not required. The bill allows for payment of such fines, costs, forfeitures, penalties, and restitution in an installment plan.

*Patron - Hodges*

**HB1073 Expungement of police and court records.** Provides that a court that enters a nolle prosequi for a criminal charge or dismisses such charge for any reason may, upon motion of the person charged, enter an order requiring the expungement of the police and court records relating to the charge.

*Patron - Heretick*

**HB1088 Magistrates; appointment and supervision.** Reinstates supervisory control over the magistrate system with the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. In 2008, appointment of and supervisory authority over magistrates was transferred to the Executive Secretary of the Virginia Supreme Court with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made.

*Patron - Cline*



**HB1148 Recognizances; person subject to immigration detainer.** Provides that a bail bondsman shall not be liable on any secure bond if, after a person is released from custody on such bond, removal proceedings are initiated against such person pursuant to a detainer from U.S. Immigration and Customs Enforcement. The bill also provides that any bond previously ordered forfeited shall be remitted to the bondsman if it is brought to the attention of the court within 150 days of the findings of default that such person was subject to a detainer.

*Patron - Spruill*

**HB1154 Electronic communications; contents; admissibility.** Allows the provider of an electronic communication service or remote computing service to verify the authenticity of contents of electronic communications by providing an affidavit from the custodian of the written records and reports (or the person to whom the custodian reports) certifying that they are true and complete and prepared in the regular course of business. The bill would allow the contents of electronic communications to be admissible in evidence as a business record exception to the hearsay rule. Under current law, the contents of the electronic communications are excluded from this process.

*Patron - Levine*

**HB1156 Expungement of protective orders.** Provides that a person against whom a protective order is sought or has been issued may petition to have police and court records relating to the protective order expunged if the petition for the protective order is denied or the order is subsequently dissolved by the issuing court.

*Patron - Cole*

**HB1158 Physical evidence recovery kits.** Establishes a comprehensive procedure for the collection and analysis of physical evidence recovery kits for victims of sexual assault, including those who elect at the time of the exam not to report a sexual assault to a law-enforcement agency. Kits from victims who elect not to report are known as "anonymous physical evidence recovery kits" and will be stored at the Division of Consolidated Laboratory Services (the Division) for two years, although the Division, the victim, or the law-enforcement agency may elect for the kits to be retained for a longer period of time. If the victim later elects to report the sexual assault, the victim's kit will be released to law enforcement. Health care providers are required to explain these procedures and time frames to victims. Where the victim elects to report the offense to law enforcement at the time of the exam, law enforcement is required to take possession of the victim's kit forthwith upon notification from the health care provider that the kit has been collected and, with limited exceptions, to submit the kit to the Department of Forensic Science for analysis within 60 days. The bill outlines the exceptions to mandatory submission for analysis, time frames, and storage requirements for retention of analyzed samples; expungement of DNA samples obtained but not connected to a crime; and victims' notification rights. This bill was incorporated into HB 1160.

*Patron - Watts*

**HB1168 Expungement of certain charges and convictions.** Allows a person to petition for expungement of convictions and deferred disposition dismissals for simple larceny or concealment of goods or merchandise when the offense occurred prior to the person's twenty-first birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.

*Patron - Lindsey*

**HB1274 Judicial officers; recording citizen complaints.** Requires that when a complaint of a criminal offense is made to a judicial officer by any person who is not a law-enforcement officer, the examination of the complainant and any other witness by the judicial officer shall be recorded by a mechanical or electronic device.

*Patron - Fariss*

**HB1298 Sentencing guidelines; written explanation.** Requires the written explanation that the court must file with the record of a case when departing from the sentencing guidelines to adequately explain the sentence imposed to promote fair sentencing.

*Patron - Herring*

**HB1304 Bonds in recognizances; satisfaction.** Provides that the liability of a bail bondsman on a bond in recognizance in criminal or juvenile cases is discharged when a final judgment is entered against the person who is the subject of the bond.

*Patron - Landes*

**SB22 Expungement of certain charges and convictions.** Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.

*Patron - McDougale*

**SB94 Juvenile offenders; sentence modification.** Provides a mechanism for a person convicted of a nonhomicide offense committed on or after January 1, 1995, while the person was a juvenile, and who is sentenced to life or a term of confinement that would be completed after his 60th birthday, to petition for a modification of sentence at age 35 or after serving 20 years of the sentence, whichever occurs later.

*Patron - Marsden*

**SB108 Forfeiture of property used in connection with the commission of crimes; finding of guilt required.** Requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property has not submitted a written demand for the return of the property within one year from the date the property was seized.

*Patron - Petersen*

**SB158 Physical evidence recovery kit.** Requires the Department of State Police, all police and sheriff's departments, and every campus police department to submit all physical evidence recovery kits that are in their custody on July 1, 2016, and all physical evidence recovery kits that come into their custody after July 1, 2016, to the Department of Forensic Science for analysis. Forensic evidence that does not meet the standards for retention in a state or national data bank shall be returned to the law-enforcement agency that submitted the physical evidence recovery kit, which shall store such kit whether or not the victim has reported the sexual assault to law enforcement. This bill was incorporated into SB 291.

*Patron - Favola*

**SB159 Campus police departments; retention of physical evidence recovery kits.** Requires campus police



departments to retain and store physical evidence recovery kits for a minimum of two years where the victim of the sexual assault elects not to report the sexual assault to law enforcement at the time of the collection of such evidence. This bill was incorporated into SB 291.

*Patron - Favola*

**SB199 Transfer of firearms; criminal history record information check; penalties.** Adds a definition of "firearms show vendor" or "vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also requires that the promoter of a firearms show provide vendors access to licensed dealers who will conduct the criminal history record information check.

*Patron - Lucas*

**SB223 New sentencing hearing; abolition of parole.** Provides that a person who was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for a noncapital felony committed prior to the time that the abolition of parole went into effect (January 1, 1995) is entitled to a new sentencing proceeding if such person is still incarcerated. The bill provides that such person shall file a petition for a new sentencing proceeding with the Court of Appeals, which shall direct the circuit court in which the order of conviction was originally entered to empanel a new jury for the purposes of conducting the new sentencing proceeding and notify the appropriate attorney for the Commonwealth. The bill also provides that if the attorney for the Commonwealth and the person filing the petition agree, such person may waive his right to a new sentencing proceeding and allow the court to fix punishment.

*Patron - McEachin*

**SB247 Search warrants; person subject to arrest.** Authorizes the issuance of a search warrant to search for and seize any person for whom a warrant or process for arrest has been issued.

*Patron - Black*

**SB256 HOT lanes; penalties; statute of limitations.** Clarifies that the 12-month statute of limitations applies to all unpaid tolls, penalties, administrative fees, and costs from violations on HOT lanes.

*Patron - Surovell*

**SB301 Transfer of firearms; criminal history record information check; penalties.** Adds a definition of "firearms show vendor" or "vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also requires that the promoter of a firearms show provide vendors access to licensed dealers who will conduct the criminal history record information check.

*Patron - Ebbin*

**SB312 Death penalty executions; moratorium.** Imposes a moratorium on executions. The bill does not affect any other matter of law related to the death penalty, including bringing and trying capital charges, sentencing proceedings, imposition of the death penalty, appeals of the death penalty, and habeas review. The moratorium will remain in effect until adjournment of the first regular session of the General Assembly after a joint subcommittee established pursuant to a joint resolution passed by the 2016 General Assembly conducts a

study of the death penalty in the Commonwealth and issues a report of its conclusions.

*Patron - Dance*

**SB318 Certificate of relief from collateral criminal consequences.** Creates a procedure whereby a person who has been convicted of certain crimes can petition the court for a certificate of relief that will remove collateral consequences of the conviction. Persons cannot petition for relief for violent crimes nor for crimes for which registration on the sex offender registry is required, must wait 12 months after the completion of all terms of sentencing and probation, and must not have any pending criminal charges. The court may limit the effect of the certificate of relief and it can be revoked if the person is subsequently convicted of a crime.

*Patron - Surovell*

**SB341 Certificate of relief from collateral criminal consequences.** Creates a procedure whereby a person who has been convicted of certain crimes can petition the court for a certificate of relief that will remove collateral consequences of the conviction. Persons cannot petition for relief for violent crimes nor for crimes for which registration on the sex offender registry is required, must wait 12 months after the completion of all terms of sentencing and probation, and must not have any pending criminal charges. The court may limit the effect of the certificate of relief and it can be revoked if the person is subsequently convicted of a crime.

*Patron - Lucas*

**SB376 Search warrants; person subject to arrest or who is unlawfully restrained.** Authorizes the issuance of a search warrant to search for and seize any person who is subject to arrest or who is unlawfully restrained. This bill was incorporated into SB 247.

*Patron - Vogel*

**SB393 Preliminary protective orders; contents of order.** Provides that if a preliminary protective order is issued in an ex parte hearing where the petition for the order is supported by sworn testimony and not an affidavit, the court issuing the order shall state in the order the basis on which the order was entered, including a summary of the allegations made and the court's findings.

*Patron - Surovell*

**SB421 Hearsay; exception; children; certain sexual related offenses.** Establishes a hearsay exception to out-of-court statements made by a child under the age of 10 in certain sexual related offenses, including sexual assault, sex trafficking, and pornography cases. The child must either testify at the proceeding or meet the definition of "unavailable." The court must hold a hearing prior to trial and find that the time, content, and circumstances provide sufficient indicia of reliability. The bill provides factors for the court to consider in making such a determination. Written notice of intent to offer the statement and a summary of the statement must be given to the adverse party at least 14 days in advance of the proceedings. This bill was incorporated into SB 358.

*Patron - Wexton*

**SB721 Protective orders; civil penalty.** Assesses a \$50 civil penalty upon a protective order respondent for protective orders issued under the Code sections that allow a protective order to be issued for up to two years. The civil penalty shall be paid into the Virginia Sexual and Domestic Violence Victim Fund and used for the creation and maintenance of local domestic violence shelters.

*Patron - Lewis*

## Carried Over

**[C]HB379 Electric utility customer account information; warrant required.** Provides that an electric utility shall not disclose any customer account information absent a search warrant or the customer's consent. The electric utility may still release customer account information in statistical or aggregate form, provided that no particular customer can be identified.  
*Patron - Marshall, R.G.*

**[C]HB794 Death penalty; severe mental illness.** Provides that a defendant in a capital case who had a severe mental illness, which is defined in the bill, at the time of the offense is not eligible for the death penalty. The bill establishes procedures for determining whether a defendant had a severe mental illness at the time of the offense and provides for the appointment of expert evaluators. When the defendant's severe mental illness is at issue, a determination will be made by the jury, or by the judge in a bench trial, as part of the sentencing proceeding, and the defendant bears the burden of proving his severe mental illness by a preponderance of the evidence.  
*Patron - Leftwich*

**[C]SB101 Expungement of police and court records.** Provides that a court that enters a nolle prosequi for a criminal charge shall, upon motion of the person charged, enter an order requiring the expungement of the police and court records relating to the charge. The bill also provides that a person whose charge is expunged because a nolle prosequi is taken or the charge is dismissed because the person arrested or charged was not the person named in the summons, warrant, indictment, or presentment shall not be required to pay any costs associated with the expungement.  
*Patron - Cosgrove*

**[C]SB194 Expungement of police and court records.** Provides that a court that enters a nolle prosequi for a criminal charge shall, upon motion of the person charged, enter an order requiring the expungement of the police and court records relating to the charge. The bill also provides that a person whose charge is expunged because a nolle prosequi is taken or the charge is dismissed because the person arrested or charged was not the person named in the summons, warrant, indictment, or presentment shall not be required to pay any costs associated with the expungement.  
*Patron - Lucas*

**[C]SB521 Expungement of certain charges and convictions.** Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's 21st birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.  
*Patron - McPike*

## Domestic Relations

### Passed

**[P]HB19 Ministers or other persons authorized to celebrate rites of matrimony; no oath required.** Provides that no oath shall be required of a minister or other person who seeks authorization to perform the rites of matrimony and that no

such authorized minister or other person shall be considered an officer of the Commonwealth by virtue of such authorization.

*Patron - Head*

**[P]HB287 Mediation.** Provides that, where a referral to mediation includes both custody or visitation and child or spousal support, the referral to mediation is considered to be two separate appointments.

*Patron - Habeeb*

**[P]HB404 Equitable distribution; transfer of separate property.** Provides that the court, upon a finding that the separate property of one party is in the possession or control of the other party, may order the separate property to be transferred to the party whose separate property it is.

*Patron - Bulova*

**[P]HB428 Support payments by county or city.** Designates the Department of Social Services as the entity to which a county or city within the boundaries of which a prisoner is put to work on a workhouse, city farm, or work squad shall pay funds for the support of the prisoner's spouse or children. The bill increases the minimum amount that the county or city shall pay from \$5 to \$20 and increases the maximum amount that the county or city shall pay from \$25 to \$40 for each week in the discretion of the court during any part of which any work is performed by the prisoner.

*Patron - Hope*

**[P]HB497 Uniform Child Custody Jurisdiction and Enforcement Act; exclusive, continuing jurisdiction.** Provides that the Commonwealth has exclusive, continuing jurisdiction to modify a child custody order that is subject to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) so long as a parent of the child continues to live in the Commonwealth. Under current state law, both parents must reside in the Commonwealth for the court to retain exclusive, continuing jurisdiction. The bill conforms the law to the UCCJEA. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Campbell*

**[P]HB642 Submission of oral testimony or affidavits in a divorce proceeding.** Provides that either party to a divorce may submit the required depositions or affidavits in support of the grounds for divorce. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Leftwich*

**[P]HB668 Spousal support factors.** Provides that a court shall consider the circumstances and factors that contributed to the dissolution of the marriage, specifically including any ground for divorce, in determining the nature, amount, and duration of a spousal support award.

*Patron - Peace*

**[P]HB703 Legal age for marriage; 18 years of age.** Provides that both parties to a marriage must be 18 years of age or older or emancipated at the time of solemnization by removing exceptions that allow marriage at a minimum age of 16 with the consent of the parent or guardian or younger than 16 in the case of pregnancy and with the consent of the parent or guardian and provides that marriages entered into in violation of this law are voidable. The bill also allows a minor to petition the juvenile and domestic relations district court for emancipation based on such minor's desire to enter into a marriage. The bill provides that, to allow emancipation based on such minor's desire to enter into a marriage, the court must make certain written findings, including that it is the minor's own will to enter into the marriage, that the individuals to be married are

mature enough to make a decision to marry, that the marriage will not endanger the safety of the minor, and that it is in the best interests of the minor to be emancipated. This bill is identical to SB 415.

*Patron - McClellan*

**[F]SB70 Source of pendente lite support award.** Provides that any award or order made by the court pending a suit for divorce, annulment, or separate maintenance shall be paid from the post-separation income of the obligor unless the court, for good cause shown, orders otherwise. The bill also provides that, upon the request of either party, the court may identify the specific source from which the financial obligation imposed is to be paid.

*Patron - Wexton*

**[F]SB71 Entry of divorce decrees; maintenance and support of spouses.** Provides that a court may still decree as to maintenance and support of a spouse even where a party fails to prove his grounds for divorce, provided that a claim for support has been properly pled by the party seeking support.

*Patron - Wexton*

**[F]SB415 Legal age for marriage; 18 years of age.** Provides that both parties to a marriage must be 18 years of age or older or emancipated at the time of solemnization by removing exceptions that allow marriage at a minimum age of 16 with the consent of the parent or guardian or younger than 16 in the case of pregnancy and with the consent of the parent or guardian and provides that marriages entered into in violation of this law are voidable. The bill also allows a minor to petition the juvenile and domestic relations district court for emancipation based on such minor's desire to enter into a marriage. The bill provides that, to allow emancipation based on such minor's desire to enter into a marriage, the court must make certain written findings, including that it is the minor's own will to enter into the marriage, that the individuals to be married are mature enough to make a decision to marry, that the marriage will not endanger the safety of the minor, and that it is in the best interests of the minor to be emancipated. This bill is identical to HB 703.

*Patron - Vogel*

## Failed

**[F]HB5 Same-sex marriages; civil unions.** Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015).

*Patron - Simon*

**[F]HB42 Spousal support awards; limit duration.** Creates a rebuttable presumption that no spousal support award shall exceed the length of time between the date of marriage and the date of separation, unless otherwise provided by contract or stipulation or unless the court determines otherwise.

*Patron - Cole*

**[F]HB491 Marriage license; authorization for marriage officiant.** Allows the parties to a marriage to designate an officiant, who shall be 18 years of age or older and not a party to the marriage, on their application for a marriage license. The bill provides that a license issued with such designation shall serve as authorization for the named officiant to celebrate the rites of such marriage in the Commonwealth.

Under current law, ministers and other persons except for judges need authorization from a judge or clerk to act as marriage officiants.

*Patron - McClellan*

**[F]HB1006 Solemnization of marriage; persons other than ministers who may celebrate rites of marriage.** Authorizes any current or former Governor, Lieutenant Governor, or Attorney General of the Commonwealth, any current or former member of the General Assembly, or any current or former mayor or person elected as a member of the governing body of a locality in the Commonwealth to celebrate the rites of marriage anywhere in the Commonwealth without the necessity of bond or order of authorization. The bill also directs that the marriage license application allow the parties to, upon payment of a fee, designate an officiant, with certain limitations, to celebrate the rites of such marriage.

*Patron - Levine*

**[F]HB1009 Custody and visitation agreements; best interests of the child.** Requires the court to consider any history of abuse of persons other than family members when determining the best interests of the child for the purposes of custody and visitation arrangements.

*Patron - Levine*

**[F]SB40 Issuance of marriage licenses; conscience clause; State Registrar of Vital Records.** Provides that a clerk or deputy clerk shall not be required to issue a marriage license if such clerk has an objection to the issuance of such license on personal, ethical, moral, or religious grounds. If the clerk or deputy clerk declines to issue a marriage license on such grounds, the parties contemplating marriage may be issued a license by the State Registrar of Vital Records at a local Department of Motor Vehicles office. The bill directs the State Registrar of Vital Records to develop a process with the Commissioner of Motor Vehicles whereby parties contemplating marriage can request and be issued a marriage license at their local Department of Motor Vehicles office.

*Patron - Carrico*

**[F]SB145 Marriage license; authorization for marriage officiant.** Allows the parties to a marriage to designate an officiant, who shall be 18 years of age or older and not a party to the marriage, on their application for a marriage license. The bill provides that a license issued with such designation shall serve as authorization for the named officiant to celebrate the rites of such marriage in the Commonwealth. Under current law, ministers and other persons except for judges need authorization from a judge or clerk to act as marriage officiants.

*Patron - Edwards*

**[F]SB173 Petition for child custody or visitation.** Provides that issues of child custody or visitation may be included in a single petition in juvenile and domestic relations district court and that such issues may be included in a single petition involving two or more children if such children have the same parents or legal guardians. The bill also provides that if a person, agency, or institution is authorized to inspect the case files relating to any juvenile subject to such a petition, the person, agency, or institution may inspect the entire case file related to the petition. The bill requires that the court records in a case in which a single petition for multiple children has been filed be expunged after the youngest child subject to the petition has reached 19 years of age and five years have elapsed since the last hearing in the case.

*Patron - Surovell*

**[F]SB306 Marriage license; authorization for marriage officiant.** Allows the parties to a marriage to designate an offi-

ciant, who shall be 18 years of age or older and not a party to the marriage, on their application for a marriage license. The bill provides that a license issued with such designation shall serve as authorization for the named officiant to celebrate the rites of such marriage in the Commonwealth. Under current law, ministers and other persons except for judges need authorization from a judge or clerk to act as marriage officiants.

*Patron - Ebbin*

**[F]SB606 Mediation; fees.** Increases from \$100 to \$120 the fee paid to mediators appointed in custody, support, or visitation cases. The bill provides that, where a referral includes both custody or visitation and child or spousal support, the referral is considered to be two separate appointments.

*Patron - Reeves*

## Carried Over

**[C]HB271 Parenting time.** Replaces "visitation" with "parenting time" in statutory language relating to the custody and visitation of minor children. The bill has a delayed effective date of July 1, 2017.

*Patron - Albo*

**[C]SB10 Same-sex marriages; civil unions.** Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. The prohibition on these relationships contained in Article I, Section 15-A of the Constitution of Virginia is unaffected by this bill.

*Patron - Ebbin*

## Education

### Passed

**[P]HB8 Virginia Virtual School established.** Establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. Beginning with the 2018-2019 school year, the bill requires the School to be open to any school-age person in the Commonwealth and provide an educational program meeting the Standards of Quality for grades kindergarten through 12, with a maximum enrollment of 5,000 students statewide. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School.

*Patron - Bell, Richard P.*

**[P]HB36 Government courses at public high schools; civics portion of the U.S. Naturalization Test.** Requires each local school board to implement a program of instruction in each government course in the school division on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

*Patron - Bell, Richard P.*

**[P]HB46 Secretary of Education; establishment of School Readiness Committee.** Directs the Secretary of Education to establish a School Readiness Committee with the first

goal of addressing the development and alignment of an effective professional development and credentialing system for the early childhood education workforce in the Commonwealth, including the (i) development of a competency-based professional development pathway for practitioners who teach children birth to age five in both public and private early childhood education programs; (ii) consideration of articulation agreements between associate and baccalaureate degree programs; (iii) refinement of teacher licensure and education programs to address competencies specific to early childhood development; (iv) alignment of existing professional development funding streams; and (v) development of innovative approaches to increasing accessibility, availability, affordability, and accountability of the Commonwealth's workforce development system for early childhood education teachers and providers.

*Patron - Greason*

**[P]HB47 Mixed-Delivery Preschool Services Fund and Grant Program established.** Establishes the Mixed-Delivery Preschool Services Fund and Grant Program for the purpose of awarding grants on a competitive basis to urban, suburban, and rural community applicants to field-test innovative strategies and evidence-based practices that support a robust system of mixed-delivery preschool services in the Commonwealth. The bill requires the Virginia Early Childhood Foundation (the Foundation) to administer a request for proposal process to invite community applicants to respond with localized innovations and approaches to a mixed-delivery preschool services system. Grants are awarded by the Foundation and priority is given to applicants who (i) commit to pursuing models of local governance that promote the successful mixed delivery of preschool services, (ii) compare classroom and child outcomes among teachers with different credentials and qualifications, (iii) utilize incentives to encourage participation, and (iv) utilize strategic assessment to discern outcomes. The bill requires the award of six two-year grants during each year of the 2016-2018 biennium. The bill has an expiration date of July 1, 2019.

*Patron - Greason*

**[P]HB131 Students who receive home instruction; participation in interscholastic programs.** Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2021, and is identical to SB 612.

*Patron - Bell, Robert B.*

**[P]HB196 Public elementary and secondary schools and local school divisions; information and forms.** Requires the Board of Education (the Board) to adopt policies to ensure that the Department of Education (the Department) does not

require public elementary or secondary schools or local school divisions to provide certain duplicate information or certain information that is not necessary or required pursuant to state or federal law. The bill requires the Board to permit public elementary and secondary schools and local school divisions to submit all information and forms to the Department electronically. The bill requires the Department to annually evaluate and determine the continued need for the information that it collects from public elementary and secondary schools and local school divisions and requires the Board to annually report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health the results of such annual evaluation and determination, among other things.

*Patron - Lingamfelter*

**[P]HB241 Students who are English language learners; alternative assessments.** Requires the Board of Education to consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning end-of-course English reading assessments. This bill is identical to SB 538.

*Patron - Lingamfelter*

**[P]HB259 Board of Education; Common Core State Standards.** Prohibits the Board of Education from replacing the educational objectives known as the Standards of Learning with Common Core State Standards without the prior statutory approval of the General Assembly but permits the Board to continue or create an educational standard or assessment that coincidentally is included in the standards referred to as the Common Core State Standards.

*Patron - LaRock*

**[P]HB261 Former members of the Armed Forces of the United States or the Virginia National Guard; provisional teaching licenses.** Requires the Board of Education to provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable teacher license.

*Patron - Yancey*

**[P]HB263 Western Virginia Public Education Consortium; membership.** Decreases from 34 to 33 the membership of the governing board of the Western Virginia Public Education Consortium. The bill removes the legislative member representing the Tenth House District, removes the legislative member representing the Twenty-second Senate District, and adds the legislative member representing the Nineteenth Senate District.

*Patron - Poindexter*

**[P]HB279 Career and technical education; three-year licenses.** Directs the Board of Education to provide for the issuance of three-year licenses to qualified individuals to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average. This bill is identical to SB 573.

*Patron - Byron*

**[P]HB353 Local school boards; transportation agreements with nonpublic schools.** Authorizes local school boards to enter into agreements with nonpublic schools to provide student transportation to and from school field trips. Current law authorizes such agreements for transportation to and from school. This bill is identical to SB 250.

*Patron - Greason*

**[P]HB357 Public schools; physical activity requirement.** Requires at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2018-2019 school year. The current requirement for a program of physical activity available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year is not changed. This bill is identical to SB 211.

*Patron - Loupassi*

**[P]HB381 Children with disabilities; alternative methods to demonstrate achievement of the Standards of Learning.** Requires the Board of Education to prescribe alternative methods of assessment for children with disabilities who meet criteria established by the Board to demonstrate achievement of the Standards of Learning.

*Patron - Greason*

**[P]HB389 Parental Choice Education Savings Accounts.** Permits the parents of certain students with disabilities to apply to their resident school division for a Parental Choice Education Savings Account, to consist of the student's Standards of Quality per pupil funds and to be used for certain expenses of the student, including (i) tuition, fees, or required textbooks at a private elementary or secondary school or preschool that is located in the Commonwealth and does not discriminate on the basis of race, color, or national origin; (ii) educational therapies or services for the student from a practitioner or provider, including paraprofessionals or educational aides; (iii) tutoring services; (iv) curriculum; (v) tuition or fees for a private online learning program; (vi) fees for a nationally standardized norm-referenced achievement test, an Advanced Placement examination, or any examination taken to gain admission to an institution of higher education; or (vii) tuition fees or required textbooks at a public two-year or four-year institution of higher education in the Commonwealth or at an accredited private institution of higher education in the Commonwealth. The bill also contains provisions for the audit and revocation of such accounts. The bill contains a reenactment clause.

*Patron - LaRock*

**[P]HB436 Standards of Learning assessments in English reading and mathematics; retake; recovery credit.** Requires the Department of Education to award recovery credit to any student in grades three through eight who fails a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and passes such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis.

*Patron - Austin*

**[P]HB453 Northern Neck-Middle Peninsula Public Education Consortium; regional boundaries and governing board.** Adds King George County and King William County as member counties of the Northern Neck-Middle Peninsula Public Education Consortium and updates the list of senatorial and house districts represented by the legislative advisory members of the Consortium's governing board.

*Patron - Hodges*

**[P]HB475 Students who have been treated for pediatric cancer; return to learn protocol.** Requires the Department of Education to review relevant federal regulations and

suggest revisions to Department guidance documents on such federal regulations relating to a return to learn protocol for students who have been treated for pediatric cancer.

*Patron - Filler-Corn*

**[P]HB516 Board of Education; policy on sexually explicit instructional material.** Requires the Board of Education to establish a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, as defined by the Board; (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request; and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests.

*Patron - Landes*

**[P]HB518 Local school boards; public school choice.** Requires, notwithstanding any agreement, waiver from the federal government, or provision of law to the contrary, the Board of Education, effective starting with the 2017-2018 school year, to select 12 schools identified for comprehensive support and improvement and require such schools to provide all enrolled students with the option to transfer to another public school in the school division in accordance with relevant federal law and subject to certain conditions and limitations established by the relevant local school board. The bill will not become effective unless reenacted by the 2017 Session of the General Assembly, except that the Board of Education is directed to report on the costs of implementation of the bill to the relevant General Assembly committees.

*Patron - LeMunyon*

**[P]HB519 School-affiliated entities; student personal information.** Extends various protections for student information that is collected and maintained, used, or shared on certain websites, mobile applications, or online services used by school-affiliated entities. The bill defines "school-affiliated entity" as any private entity that provides support to a local school division or a public elementary or secondary school in the Commonwealth, including alumni associations, booster clubs, parent-teacher associations, parent-teacher-student associations, parent-teacher organizations, public education foundations, public education funds, and scholarship organizations.

*Patron - LeMunyon*

**[P]HB521 Board of Education; annual report; local reporting requirements.** Requires the annual Board of Education report to the Governor and the General Assembly to include a complete listing of each report (i) that local school divisions are required to submit to the Board or any other state agency, including name, frequency, and an indication of whether the report contains information that the local school division is also required to submit to the federal government, and (ii) pertaining to public education that local school divisions are required to submit to the federal government, including name and frequency.

*Patron - LeMunyon*

**[P]HB524 Data on teacher performance and quality; confidentiality.** Requires data collected by or for the Department of Education or the local school board or made available to and able to be used by the local school board to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, to be confidential in most instances. Current law requires such data to be confidential only if it is used by a local school board to make such a judgment. The bill provides that if such data is disclosed pursuant

to court order, for the purposes of a grievance proceeding involving the teacher, or as otherwise required by state or federal law, such disclosure shall be made in a form that does not personally identify any student or other teacher.

*Patron - LeMunyon*

**[P]HB525 Standards of Learning Innovation Committee; review of standardized testing in public high schools in the Commonwealth; report.** Requires the Standards of Learning Innovation Committee to review and, no later than November 1, 2016, make recommendations to the Board of Education and the General Assembly on the number, subjects, and question composition of standardized tests administered to public high school students in the Commonwealth.

*Patron - LeMunyon*

**[P]HB659 High school family life education curricula; programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence.** Requires any high school family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence.

*Patron - Filler-Corn*

**[P]HB682 Waiver of teacher licensure requirements; trade and industrial education programs.** Permits any division superintendent to apply to the Department of Education for an annual waiver of the teacher licensure requirements for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program who has obtained or is working toward an industry credential relating to the program area and who has at least 4,000 hours of recent and relevant employment experience, as defined by the Board pursuant to regulation. The bill requires the Department to establish a procedure for submitting, receiving, and acting upon such annual waiver applications.

*Patron - Peace*

**[P]HB749 School service providers.** Makes several changes to the provisions relating to the protection of student personal information by school service providers, including (i) defining "targeted advertising" as advertising that is presented to a student and selected on the basis of information obtained or inferred over time from such student's online behavior, use of applications, or sharing of student personal information, which does not include advertising that is presented to a student at an online location on the basis of such student's online behavior, use of applications, or sharing of student personal information during his current visit to that online location or in response to that student's request for information or feedback and for which a student's online activities or requests are not retained over time for the purpose of subsequent advertising, and (ii) clarifying that other provisions of law do not prohibit school service providers from performing certain acts, including disclosing student personal information to ensure legal or regulatory compliance, protect against liability, or protect the security or integrity of its school service.

*Patron - Greason*

**[P]HB750 Student personal information; school services; college and career readiness assessment.** Excludes any website, mobile application, or online service that is used for the purposes of college and career readiness assessment from the definition of "school service," thus relieving providers of such websites, mobile applications, and online services from the obligation to provide various protections for student per-

sonal information collected through such websites, mobile applications, and online services.

*Patron - Greason*

**[P]HB831 Standards and programs of instruction; computer science and computational thinking.** Requires the Standards of Learning established by the Board of Education and the program of instruction for grades kindergarten through 12 developed and implemented by each local school board to include computer science and computational thinking, including computer coding.

*Patron - Greason*

**[P]HB842 Teacher preparation and licensure; dyslexia.** Requires Board of Education regulations governing teacher licensure to require every person seeking initial licensure or renewal of a license to complete awareness training, provided by the Department of Education, on the indicators of dyslexia and the evidence-based interventions and accommodations for dyslexia. The bill requires the Department of Education to collaborate with the State Council of Higher Education for Virginia to ensure that all teacher preparation programs offered at public institutions of higher education in the Commonwealth or otherwise available convey information on the identification of students at risk for dyslexia and related disorders.

*Patron - Cline*

**[P]HB894 Standards of Learning Innovation Committee; membership.** Requires that the membership of the Standards of Learning Innovation Committee include at least one representative of a four-year public institution of higher education and at least one representative of a two-year public institution of higher education and specifies that the business representative or representatives on the Committee shall represent the business community. The bill also staggers the terms of legislative members and nonlegislative citizen members. The bill contains an emergency clause.

*Patron - Greason*

**[P]HB895 Board of Education; high school graduation requirements.** Removes existing provisions related to standard and advanced studies diplomas and standard and verified units of credit and requires the Board of Education, in establishing high school graduation requirements, to (i) develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship; (ii) emphasize the development of core skill sets in the early years of high school; and (iii) establish multiple paths toward college and career readiness for students to follow in the later years of high school that include internships, externships, and credentialing. The bill also sets forth the procedure for the establishment of such graduation requirements. The bill specifies that such graduation requirements shall apply to each student who enrolls in high school as (a) a freshman after July 1, 2018; (b) a sophomore after July 1, 2019; (c) a junior after July 1, 2020; or (d) a senior after July 1, 2021.

*Patron - Greason*

**[P]HB942 School property; reasonable access by youth-oriented community organizations.** Requires school boards to provide reasonable and appropriate access to school property to youth-oriented community organizations, such as the Boy Scouts of America and the Girl Scouts of the United

States of America, and their volunteers and staff, to distribute and provide materials to encourage participation in such organizations. The bill prohibits such access from interfering with instructional time and provides that such access may also include after-school sponsored activities.

*Patron - Wilt*

**[P]HB954 Local school divisions; "Return to Learn Protocol" for students who have suffered concussions or other head injuries.** Requires each local school division's policies and procedures regarding the identification and handling of suspected concussions in student-athletes to include a "Return to Learn Protocol" that requires school personnel to be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization, and long-term and short-term memory, (ii) sensitivity to bright lights and sounds, and (iii) short-term problems with speech and language, reasoning, planning, and problem solving, and to accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom. The bill also broadens the scope of the "Return to Learn Protocol" in the Board of Education's guidelines for school division policies and procedures on concussions in student-athletes to require school personnel to (a) be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury and (b) accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury. Under current law, the "Return to Learn Protocol" only imposes such requirements on school personnel with respect to student-athletes.

*Patron - Keam*

**[P]HB1234 School security officers; carrying a firearm.** Authorizes a school security officer to carry a firearm in the performance of his duties if he is a retired law-enforcement officer who meets the firearms training standards for active law-enforcement officers, the local school board grants him the authority to carry a firearm in the performance of his duties, and he is not otherwise prohibited by state or federal law from possessing a firearm.

*Patron - Lingamfelter*

**[P]HB1253 School board of the City of Norfolk.** Repeals obsolete provisions for the appointment of members to the school board of the City of Norfolk. The selection of members of such school board was changed to direct election by the voters by referendum in 2014 pursuant to § 22.1-57.2 of the Code of Virginia. The bill contains an emergency clause.

*Patron - Hester*

**[P]HB1279 Public schools; fire drills; lock-down drills.** Requires every public school to hold a fire drill at least twice during the first 20 school days of each school session and at least two additional fire drills during the remainder of the school session. Under current law, every public school is required to hold a fire drill at least once every week during the first 20 school days of each school session and at least once every month during the remainder of the school session. The bill also requires every public school to hold a lock-down drill at least twice during the first 20 school days of each school session and at least two additional lock-down drills during the remainder of the school session. Under current law, every public school is required to hold at least two lock-down drills every school year.

*Patron - Anderson*



**HB1377 School boards; assignment of teachers; class size limits.** Provides that, after September 30 of any school year, anytime the number of students in a class exceeds the statutorily prescribed class size limit, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limits. The bill requires such notification to state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with the limit.

*Patron - LeMunyon*

**SB211 Public schools; physical activity requirement.** Requires at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2018-2019 school year. The current requirement for a program of physical activity available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year is not changed. This bill is identical to HB 357.

*Patron - Miller*

**SB246 Grants for science, technology, engineering, or math (STEM) competition teams at qualified schools.** Establishes a grant program administered by the Board of Education beginning in 2017 to establish STEM competition teams at qualified schools. The bill defines qualified schools as those public secondary schools at which at least 40 percent of the students qualify for free or reduced lunch. Grants are capped at \$10,000 per school per year. The bill has an expiration date of July 1, 2018.

*Patron - Stanley*

**SB250 Local school boards; transportation agreements with nonpublic schools.** Authorizes local school boards to enter into agreements with nonpublic schools to provide student transportation to and from school field trips. Current law authorizes such agreements for transportation to and from school. This bill incorporates SB 275 and is identical to HB 353.

*Patron - Black*

**SB336 Board of Education; high school graduation requirements.** Removes existing provisions related to standard and advanced studies diplomas and standard and verified units of credit and requires the Board of Education, in establishing high school graduation requirements, to (i) develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship; (ii) emphasize the development of core skill sets in the early years of high school; and (iii) establish multiple paths toward college and career readiness for students to follow in the later years of high school that include internships, externships, and credentialing. The bill also sets forth the procedure for the establishment of such graduation requirements. The bill specifies that such graduation requirements shall apply to each student who enrolls in high school as (a) a freshman after July 1, 2018; (b) a sophomore after July 1, 2019; (c) a junior after July 1, 2020; or (d) a senior after July 1, 2021.

*Patron - Miller*

**SB360 Superintendent of Public Instruction; tracking teacher turnover.** Requires the Superintendent of Public Instruction to develop and implement a system to track teacher turnover and to annually report his findings to the General Assembly and the Governor.

*Patron - Howell*

**SB368 Public schools; standards of accreditation.** Authorizes the Board of Education to review once every two years or once every three years the accreditation status of any school that is not on a triennial review cycle as a result of three consecutive years of full accreditation, provided that any school that receives a multiyear accreditation status other than full accreditation to be covered by a Board-approved multiyear corrective action plan for the duration of the period of accreditation. The bill also provides that when the Board of Education determines that a corrective action plan submitted by a local school board is not sufficient to enable all schools within the division to achieve full accreditation, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance. Finally, the bill requires the Superintendent of Public Instruction to report to the Board on the accreditation status of all school divisions and schools. Currently the Superintendent is required to identify to the Board schools or divisions that do not meet certain criteria.

*Patron - McDougle*

**SB427 Standards of Learning assessments; students whose parent has decided to not have his child take.** Prohibits the Board of Education from including in its calculation of the passage rate of a Standards of Learning assessment for the purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusion would result in the school's not meeting any required state or federal participation rate.

*Patron - Miller*

**SB538 Students who are English language learners; alternative assessments.** Requires the Board of Education to consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning end-of-course English reading assessments. This bill incorporates SB 548 and is identical to HB 241.

*Patron - Surovell*

**SB564 Freedom of Information Act; exclusions for school personnel licensure applications.** Excludes records of an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, from the provisions of the Freedom of Information Act.

*Patron - Norment*

**SB573 Career and technical education; three-year licenses.** Directs the Board of Education to provide for the issuance of three-year licenses to qualified individuals to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average. This bill is identical to HB 279.

*Patron - Ruff*

**SB612 Students who receive home instruction; participation in interscholastic programs.** Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is



in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2021, and is identical to HB 131.

*Patron - Garrett*

**SB665 Public middle school athletics; pre-participation physical examination.** Prohibits a public middle school student from participating on or trying out for any school athletic team or squad with a predetermined roster, regular practices, and scheduled competitions with other middle schools unless such student has submitted to the school principal a signed report from a licensed physician, a licensed nurse practitioner practicing in accordance with his practice agreement, or a licensed physician assistant acting under the supervision of a licensed physician attesting that such student has been examined within the preceding 12 months and found to be physically fit for athletic competition. The bill is a recommendation of the Commission on Youth.

*Patron - Marsden*

**SB734 Public charter schools.** Makes several changes to the provisions for the establishment and operation of public charter schools, including making changes and providing greater specificity regarding (i) the applicability of various laws, regulations, policies, and procedures to public charter schools; (ii) the contents of charter applications; and (iii) the procedure for executing charter contracts and the contents of such contracts.

*Patron - Obenshain*

**SB776 Public schools; residency of children in kinship care.** Allows a child receiving kinship care from an adult relative to enroll in the school division where the kinship care provider resides. The bill also allows local school divisions to require one legal parent and the kinship care provider to sign affidavits detailing the kinship care arrangement as well as a power of attorney authorizing the adult relative to make educational decisions regarding the child.

*Patron - Barker*

**SB780 Home instruction or religious exemption; information disclosure.** Provides that a division superintendent or local school board may disclose, to the extent provided by the written consent of a student's parent, certain information that is provided by a parent or student regarding the parent's election to provide home instruction in lieu of school attendance or the parent's claim of a religious exemption.

*Patron - Black*

## Failed

**HB57 Student attendance; withdrawal of students absent without excuse.** Requires a public elementary or secondary school student to be dropped from the roll and marked as "withdrawn" if he has been absent without excuse for 15 consecutive school days.

*Patron - Kory*

**HB71 Standards of Learning assessments; receipt and administration date.** Requires the Department of Education to make available to school divisions Standards of Learning assessments administered in all public schools, not only those assessments administered in middle and secondary schools, by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later. The bill removes references to such assessments as end-of-course or end-of-grade tests and instead requires each local school board to administer all Standards of Learning assessments on the date after receipt of such assessments that the board deems most appropriate to evaluate each student's knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed.

*Patron - Farrell*

**HB76 Authorization and training for persons designated to carry concealed handguns on school property.** Permits a school board or an administrator of a private school to designate one or more qualified persons for every school who may carry a concealed handgun on school property. Such qualified persons include certain school division employees, certain school volunteers who carry valid concealed handgun permits, and certain retired law-enforcement officers. Any person designated to carry a concealed handgun must be certified and trained by the Virginia Center for School and Campus Safety or the National Rifle Association in the storage, use, and handling of a concealed handgun. The bill also outlines the training requirements for designated persons to be established by the Department of Criminal Justice Services.

*Patron - Marshall, R.G.*

**HB93 School calendar.** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments.

*Patron - Kory*

**HB164 High school graduation; verified units of credit.** Directs the Board of Education, in establishing course and credit requirements for a high school diploma, to require students to earn no more than six verified units of credit to graduate with an advanced studies diploma and no more than four verified units of credit to graduate with a standard diploma.

*Patron - Farrell*

**HB166 Visually impaired students; Braille.** Requires each visually impaired student to be evaluated by a certified Teacher of the Visually Impaired and requires the student to receive instruction in Braille or the use of Braille unless the team responsible for developing the student's IEP (IEP team) or the team responsible for developing the student's plan pursuant to § 504 of the Rehabilitation Act of 1973 (504 team) determines that instruction in Braille or the use of Braille is not appropriate to the student's educational needs. Current law

requires a determination of the appropriateness of Braille but does not require the evaluation. The bill allows IEP teams and 504 teams to provide other specialized educational services and assistive technology devices in addition to Braille. The bill permits IEP teams and 504 teams to determine that visually impaired students are eligible for instruction in the use of the appropriate Braille mathematics code in addition to Braille and the use of Braille. The bill disallows the presence of some residual vision from precluding instruction in Braille and the use of Braille.

*Patron - Cole*

**[F]HB167 School board employees who are former law-enforcement officers; possession of firearms.** Permits any local school board to allow any school board employee who is a former law-enforcement officer and ceased or retired from serving in such capacity while in good standing to possess any firearm designed or intended to expel a projectile by action of an explosion of a combustible material upon (i) any public elementary or secondary school in the school division, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; and (iii) any school bus owned or operated by the local school board.

*Patron - Cole*

**[F]HB187 New public school buildings; plans or blueprints; indoor active shooter gunshot detection and alerting system.** Requires the plans or blueprints for the construction of a new public school building to include an indoor active shooter gunshot detection and alerting system.

*Patron - Taylor*

**[F]HB191 Composite index of local ability-to-pay; use value of real estate in certain localities.** Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or "local composite index" utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.

*Patron - Minchew*

**[F]HB228 Board of Education; graduation requirements; computer programming as foreign language.** Requires the Board of Education, in establishing course and credit requirements for a high school diploma, to provide that the standard units of credit in foreign language required to graduate with an advanced studies diploma may be satisfied by the successful completion of computer programming courses approved by the Board. The bill also requires the Board to establish criteria for the approval of computer programming coursework completed at an associate-degree-granting public institution of higher education or an associate-degree-granting private institution of higher education for the purpose of satisfying such foreign language graduation requirements. The bill has a delayed effective date of July 1, 2018.

*Patron - Albo*

**[F]HB236 Teacher Emeritus Fund and Program established.** Establishes the Teacher Emeritus Fund and Program as a competitive grant program administered by the Department

of Education for the purpose of awarding grants to local school divisions to hire teachers emeriti who have completed at least 20 years of service as teachers in the public elementary and secondary schools of the Commonwealth to mentor public elementary and secondary school teachers with less than two years of classroom experience on the day-to-day challenges of classroom instruction. Such grants would cover one-quarter of the salary of a teacher emeritus for up to four years, provided that the school division hires no more than one teacher emeritus per 100 full-time equivalent teaching positions. The bill permits any teacher emeritus receiving a service retirement allowance under the Virginia Retirement System to elect to continue to receive the retirement allowance during such employment if he has been receiving such retirement allowance for a certain period of time preceding his employment as provided by law and he is not receiving a retirement benefit pursuant to an early retirement incentive program from any local school division within the Commonwealth.

*Patron - Lingamfelter*

**[F]HB242 Virginia Preschool Initiative; local matching funds.** Removes the requirement for local governing bodies to commit to providing the required matching funds in order to qualify for grants under the Virginia Preschool Initiative.

*Patron - Lingamfelter*

**[F]HB265 Public charter schools; funding.** Provides that if the amount appropriated to the local school board by the local governing body for public schools relates to its total only, the per pupil funding provided to a public charter school by the local school board shall also relate to its total only, unless otherwise negotiated in the charter agreement.

*Patron - Davis*

**[F]HB306 Display of advertising material on sides and rear of school buses.** Permits local school boards to display advertising material on the sides and rear of school buses, provided that no such material obstructs the name of the school division or the number of the school bus or pertains to alcohol, gambling, or tobacco.

*Patron - O'Quinn*

**[F]HB309 Local school boards; support services positions; licensed behavior analysts and licensed assistant behavior analysts.** Includes licensed behavior analysts and licensed assistant behavior analysts as support services positions in a local school division for the purposes of Title 22.1 of the Code of Virginia.

*Patron - Greason*

**[F]HB333 School property; priority use by youth groups federally listed as patriotic and national organizations.** Requires school boards to give priority in the use of school property to any youth group listed as a patriotic and national organization in 36 U.S.C. Subtitle II, Part B, such as the Boy Scouts of America, the Boys & Girls Clubs of America, and the Girl Scouts of the United States of America, and their affiliated groups and councils in the Commonwealth, in order to encourage public elementary and secondary schools in the school division to facilitate student participation in activities provided by such groups at times other than instructional time during the school day for the purpose of encouraging civic education.

*Patron - Pogge*

**[F]HB358 School security funds; certain private elementary and secondary schools.** Permits nonsectarian private elementary and secondary schools to participate in the School Security Equipment Grant Act and requires the Department of Emergency Management to set aside for school security

upgrades at private elementary and secondary schools in the Commonwealth 15 percent of all funds received through the federal Homeland Security Grant Program and planned to be used for school security upgrades.

*Patron - Davis*

**HB365 Adaptive Learning Tools Grant Fund established.** Establishes the Adaptive Learning Tools Grant Fund for the purpose of establishing a grant program whereby the Department of Education awards grants on a competitive basis to local school divisions that demonstrate the effective use of adaptive learning tools.

*Patron - Davis*

**HB397 Discrimination based on an individual's sex.** Specifies that the terms "because of gender," "because of sex," "on the basis of gender," and "on the basis of sex" and terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly mean because of or on the basis of the biologic character or quality that distinguishes an individual as either male or female as determined at birth by analysis of the individual's gonadal, internal and external morphologic, chromosomal, and hormonal characteristics. The bill provides that, consistent with Article I, Section 11 of the Constitution of Virginia, no local ordinance prohibiting discrimination on the basis of sex shall consider the mere separation of individuals by sex to be discrimination. The bill permits local school boards to enact policies prohibiting discrimination in education on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability, provided that, consistent with Article I, Section 11 of the Constitution of Virginia, no such policy shall consider the mere separation of individuals by sex to be discrimination.

*Patron - LaRock*

**HB406 Local school boards; transportation agreements with nonpublic schools.** Authorizes local school boards to enter into agreements with nonpublic schools to provide student transportation to and from school field trips. Current law authorizes such agreements for transportation to and from school.

*Patron - Minchew*

**HB457 Full-day kindergarten programs; availability and building capacity.** Requires each newly constructed elementary school building to have the capacity to accommodate a full-day kindergarten program. The bill also requires each local school board that does not offer a full-day kindergarten program for each kindergarten student in the school division to develop a plan to phase in a full-day kindergarten program for each kindergarten student in the school division over the course of three school years and submit the plan to the General Assembly in advance of the 2017 Regular Session of the General Assembly.

*Patron - Murphy*

**HB459 Teacher licensure; industry certification credential; local waiver.** Permits the division superintendent or the local school board to waive the requirement that prospective teachers in the school division seeking an initial license with an endorsement in the area of career and technical education have an industry certification credential in the area in which the teacher seeks endorsement.

*Patron - Freitas*

**HB478 High school graduation and dropout data; formula; on-time graduation.** Requires the formula that the Board of Education uses to collect, analyze, report, and make available to the public high school graduation and dropout data

to exclude any student who fails to graduate on time because of an extenuating circumstance and requires the Board of Education to enumerate such extenuating circumstances pursuant to regulation.

*Patron - Kory*

**HB486 Attorneys for the Commonwealth; prosecution of compulsory school attendance cases.** Relieves attorneys for the Commonwealth from the duty to prosecute all cases arising under the provisions of law in Title 22.1 relating to compulsory school attendance and instead makes prosecution of such cases permissive in nature.

*Patron - McClellan*

**HB495 Three-year moratorium on installation of synthetic turf that contains recycled crumb rubber from waste tires at schools and recreational parks.** Places a three-year moratorium on the installation of synthetic turf that contains recycled crumb rubber from waste tires within the boundaries of a public or private elementary or secondary school, public or private preschool, or recreational park by any (i) public or private elementary or secondary school, (ii) public or private preschool, or (iii) local governing body. The bill also requires the Virginia Department of Health, in coordination with the Virginia Department of Conservation and Recreation and the Virginia Department of Education, to analyze the potential adverse health effects of synthetic turf that contains recycled crumb rubber from waste tires and report its findings to the General Assembly no later than July 1, 2017.

*Patron - Simon*

**HB503 Superintendent of Public Instruction; tracking teacher turnover; report.** Requires the Superintendent of Public Instruction to track public elementary and secondary school teacher turnover by cause, geographic area, school division, and subject area, annually report his findings to the Governor and the General Assembly, and post such annual report on the Department of Education website.

*Patron - Kory*

**HB520 Redistricting of school boundaries; assignment of students.** Requires each school division that provides for the redistricting of school boundaries to permit any enrolled student who is assigned to a different school in the school division as a result of such redistricting to remain, at the request of his parent, at the school at which he is currently enrolled until he completes the highest grade level at such school. The bill permits each school division to require any parent who makes such a request to provide for the transportation of his child, at the parent's own expense, to the school at which the student remains. The bill specifies that (i) any enrolled elementary school student assigned to a different middle school or high school as a result of the redistricting of school boundaries does not have the right to attend the middle school or high school to which he would have been assigned before such redistricting and (ii) any enrolled middle school student assigned to a different high school as a result of the redistricting of school boundaries does not have the right to attend the high school to which he would have been assigned before such redistricting.

*Patron - LeMunyon*

**HB522 Standards of Learning Innovation Committee; list of restrictive federal laws and regulations; report.** Requires the Standards of Learning Innovation Committee to compile a list of federal laws and regulations that restrict the ability of the Commonwealth to implement educational programs whose implementation the Committee determines would be appropriate and provide such list to the General Assembly no later than December 1, 2016.

*Patron - LeMunyon*

**HB532 Composite index of local ability to pay; additional factors.** Requires the state and local funding share formula, the composite index of local ability to pay, to take into consideration the population of the relevant locality, the number of enrolled English-language learners, and the number of enrolled students who are eligible to receive free or reduced-price lunch.

*Patron - Murphy*

**HB547 Standards of Quality; apportionment of state and local share.** Directs the General Assembly, in apportioning the state and local share of the costs of meeting the Standards of Quality, beginning July 1, 2016, to implement a formula that determines each locality's ability to pay based on the ratios of (i) the reimbursement payment made to the locality for providing tangible personal property tax relief to the reimbursement payments made statewide for providing tangible personal property tax relief; (ii) the total value of real estate in the locality adjusted by the average of the cost of competing index if used for instructional personnel and for support positions to the statewide value of real estate per person; (iii) the local one percent sales tax revenue collected by the locality to the statewide total local sales tax revenue collected; (iv) the assessed value of the personal property taxed by the locality to the statewide assessed value of the local personal property tax; and (v) revenue collected from local lodging, local cigarette, and local meals taxes to the revenue collected statewide from such local lodging, cigarette, and meals taxes.

To determine each locality's composite index of ability to pay, (a) the sum of the ratios calculated on the basis of average daily membership for each locality shall be divided by the sum of the average daily membership ratios for all localities; (b) the sum of the ratios calculated on a per capita basis for each locality shall be divided by the sum of the per capita ratios for all localities; and (c) the locality's ratio calculated on the basis of average daily membership shall be multiplied by 0.66, and the locality's ratio calculated on a per capita basis shall be multiplied by 0.33. The sum of the two adjusted ratios in clause (c) shall be the local composite index of ability to pay.

*Patron - Watts*

**HB565 Public charter schools.** Makes several changes to the provisions for the establishment and operation of public charter schools, including (i) requiring public charter schools to be administered and managed by a nonprofit education organization under the control of a governing board in lieu of a management committee and (ii) making changes and providing greater specificity regarding (a) the applicability of various laws, regulations, policies, and procedures to public charter schools; (b) the contents of charter applications; (c) the procedure for executing charter contracts and the contents of such contracts; and (d) the method of funding public charter schools.

*Patron - Lingamfelter*

**HB571 School calendar.** Makes local school boards responsible for setting the school calendar and determining the opening date of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill requires local school boards that set the school calendar with a pre-Labor Day opening date, except those schools that were granted a "good cause" waiver for the 2015-2016 school year, to close all schools in the division (i) from the Thursday immediately preceding Labor Day through Labor Day or (ii) from the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day.

*Patron - Robinson*

**HB573 Students with limited English proficiency; alternatives to Standards of Learning English reading assessments.** Requires the Board of Education to authorize the use of an English language proficiency assessment, such as the WIDA ACCESS for ELLs assessment, as an alternative to any Standards of Learning English reading assessment for students in grades three through eight with limited English proficiency.

*Patron - Robinson*

**HB633 Standards of Learning; history and social science.** Requires the Board of Education to include in the Standards of Learning for history and social science instruction on the importance of the Battle of Great Bridge.

*Patron - Spruill*

**HB694 State funding; ratio of full-time equivalent instructional positions to students identified as having limited English proficiency.** Requires state funding to be provided to each local school division to support one full-time equivalent instructional position for every 22 students identified as having limited English proficiency. Under current law, such ratio is 17 full-time equivalent instructional positions for every 1,000 students identified as having limited English proficiency.

*Patron - Kory*

**HB696 Teacher licensure; technology education; military technology training.** Requires the Board of Education to establish criteria in its regulations to effectuate the substitution of military technology training for the coursework required to obtain a license with an endorsement in the area of technology education.

*Patron - Kory*

**HB697 Teachers; probation and dismissal.** Specifies that a teacher may be placed on probation for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. The bill replaces the current condition constituting incompetency, for the purposes of teacher employment, of one or more unsatisfactory performance evaluations with the condition of more than one unsatisfactory performance evaluation or one unsatisfactory performance evaluation coupled with a finding by the division superintendent that the teacher (i) exhibited a pattern of poor performance or (ii) failed to respond to efforts to improve his performance. The bill extends from 10 business days to 15 business days the deadline for a teacher to request a hearing after receiving written notice of a recommendation of dismissal. The bill also staggers by 10 days (a) the opportunity for a teacher recommended for dismissal to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal and (b) the opportunity for the division superintendent to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal. The bill also extends from 15 business days to 30 business days the deadline for the school board or hearing officer to set a hearing after a request by a teacher recommended for dismissal.

*Patron - Kory*

**HB753 School calendar.** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments.

*Patron - Greason*

**HB788 School calendar.** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments.

*Patron - Adams*

**HB798 Certain school divisions; plan to fund and phase in full-day kindergarten.** Requires each local school board that does not offer a full-day kindergarten program for each kindergarten student in the school division to develop a plan to fund and phase in a full-day kindergarten program for each kindergarten student in the school division and submit the plan to the General Assembly in advance of the 2017 Regular Session of the General Assembly.

*Patron - Bell, John J.*

**HB827 Board of Education guidelines for school division policies and procedures on concussions in student-athletes; Return to Learn Protocol.** Requires the Board of Education to (i) include in its guidelines for school division policies and procedures on concussions in student-athletes template communication consent forms that school divisions may use to help facilitate the sharing of information between schools, families, and the medical community and (ii) amend the Return to Learn Protocol in such guidelines to encourage an employee in the school division to ensure that the protocol is being followed and includes case management procedures, minimum standards, and practical strategies for teachers to implement in the classroom for the return to academic activities of a student who has suffered a concussion.

*Patron - Torian*

**HB833 Elementary school Standards of Learning assessments; time length.** Requires the Board to establish and, as it deems necessary, update guidelines for the time length of each elementary school Standards of Learning assessment, including an appropriate cut-off time for each such assessment.

*Patron - Greason*

**HB864 Public elementary and secondary schools; teacher grievance procedures.** Permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself.

*Patron - Hugo*

**HB873 Public and private elementary and secondary schools and institutions of higher education; selection of for-profit motor carriers.** Requires each public and private elementary and secondary school and institution of higher education in the Commonwealth to (i) exercise due diligence in the selection of for-hire motor carriers, as that term is defined by the Federal Motor Carrier Safety Administration pursuant to federal regulations, to transport individuals to and from school-sponsored events and (ii) document the results of such exercise of due diligence in writing.

*Patron - Hugo*

**HB925 Virginia Preschool Initiative; student eligibility.** Makes each local school division responsible for determining the students who qualify as at-risk for the purposes of participation in the Virginia Preschool Initiative and requires such determination to be based on eligibility criteria that (i) include limited English proficiency, homelessness, placement in foster care, being raised by a relative other than a parent, having a parent who is a school dropout, and having a parent who is on military deployment and (ii) exclude family income

restrictions for students with disabilities and students with other significant risk factors identified by the local school division.

*Patron - Mason*

**HB933 High school graduation and dropout data; students who have been placed in the custody of the Department of Social Services.** Provides that for the purpose of collecting, analyzing, and reporting high school graduation and dropout data on students who have been placed in the custody of the Department of Social Services and who have enrolled in another school division as a result of such placement, the Board shall consider any such student to be enrolled in the previous school division of residence until he has been enrolled in the current school division of residence for one complete semester or 18 weeks.

*Patron - Toscano*

**HB953 Imitation controlled substances; maximum disciplinary action.** Sets the maximum disciplinary action for any student found by the school board to have brought an imitation controlled substance, as that term is defined in § 18.2-247, onto school property or to a school-sponsored activity at short-term suspension not to exceed five school days. Under current law, students found to have brought an imitation controlled substance onto school property or to a school-sponsored event are required to be expelled, absent special circumstances.

*Patron - Keam*

**HB965 Public schools; organizations governing interscholastic programs.** Prohibits a public school from becoming or remaining a member of any organization or entity whose purpose is to regulate or govern interscholastic programs that classifies or aligns schools for competitive purposes pursuant to a formula based on student enrollment or participation unless such organization or entity apportions voting rights to member schools based on the same formula.

*Patron - Davis*

**HB967 Length of the school term; waiver; early course mastery.** Permits the Board of Education to waive, on a course-by-course basis, the requirement that the length of the school term be at least 180 teaching days or 990 teaching hours in any school year if a local school board provides the Board with satisfactory evidence of an alternative model of instruction for any course that allows for student mastery of the course content and objectives in fewer than 180 teaching days or 990 teaching hours. The bill provides that if the Board grants such a waiver, there shall be no proportional reduction in the amount paid by the Commonwealth from the Basic School Aid Fund and that the local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by any local governing body due to any reduction in the length of the school term for any course for which such a waiver is granted.

*Patron - Davis*

**HB1029 Critical National Security Language Grant Fund and Program established.** Establishes the Critical National Security Language Grant Fund and the Critical National Security Language Grant Program within the Department of Education for the purpose of awarding grants on a competitive basis to any school division that provides a foreign language course in a foreign language that is currently identified as critical by the National Security Language Initiative for Youth scholarship program. Such grants are limited to \$5,000 per student who successfully completes a critical foreign language course per school year.

*Patron - Sickles*

**HB1061 The expulsion of students and the referral of students to a local law-enforcement agency.** Permits elementary and secondary school students to be expelled from attendance or referred to a local law-enforcement agency for sufficient cause but only after all feasible alternatives to such expulsion or referral have been considered. The bill does not apply to the expulsion of elementary or secondary school students who possess firearms or certain other weapons on school property or at a school-sponsored activity.

*Patron - Bagby*

**HB1131 Public schools; Standards of Learning assessments.** Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended.

*Patron - Kory*

**HB1132 School principals; incident reports.** Eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement.

*Patron - LaRock*

**HB1151 School boards; applicants for employment; criminal history.** Prohibits each school board from employing any individual who has been convicted of a violent felony set forth in subsection C of § 17.1-805 of the Code of Virginia or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child and permits each school board to employ any individual who has been convicted of any felony or crime of moral turpitude that is not set forth in subsection C of § 17.1-805 of the Code of Virginia and does not involve the sexual molestation, physical or sexual abuse, or rape of a child.

*Patron - Ward*

**HB1165 Virginia Grade Level Alternative; electronic submission of evidence.** Requires the Department of Education to establish a system and procedure, consistent with secure mandatory test requirements, by which teachers may electronically submit evidence and student evidence identification tags for each completed Virginia Grade Level Alternative assessment.

*Patron - Dudenhefer*

**HB1186 Advanced studies diploma; foreign language requirements; technical programming languages.** Requires the Board of Education, in establishing course and credit requirements for a high school diploma, to provide that the three standard units of credit in foreign language required to graduate with an advanced studies diploma may be satisfied by completing two years of one foreign language and two years of technical programming languages approved by the Board, in addition to the current credit requirement of three years of one foreign language or two years each of two foreign languages.

*Patron - Hope*

**HB1219 Board of Education; graduation requirements; computer programming as foreign language.** Requires the Board of Education, in establishing course and credit requirements for a high school diploma, to provide that the standard units of credit in foreign language required to graduate with an advanced studies diploma or a standard diploma may be satisfied by the successful completion of computer programming courses.

*Patron - Taylor*

**HB1308 Local school board policies; students volunteering at polling places.** Requires local school boards to

develop and implement policies to provide students with incentives, including the appropriate course credit, for serving as nonpartisan volunteers at a polling place during any local, state, or federal election.

*Patron - Keam*

**HB1352 Public elementary and secondary schools; teacher grievance procedures.** Permits a school board to conduct a teacher grievance hearing before a three-member fact-finding panel consisting of one member selected by the teacher, one member selected by the division superintendent, and an impartial hearing officer, selected by the other two panel members, to serve as the chairman of the panel. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself. The bill also removes the requirement that a teacher grievance hearing be set within 15 days of the request for such hearing and extends from five days to 10 days the minimum period of advance written notice to the teacher of the time and place of such hearing.

*Patron - Bell, John J.*

**HB1365 Board of Education; high school graduation requirements.** Prohibits the Board of Education from requiring a new student entering ninth grade no earlier than the 2017-2018 school year to earn a student-selected verified credit in order to graduate with a standard or advanced studies diploma unless the Board of Education has adopted a comprehensive plan that reduces the number of verified credits that are required to graduate with a standard or advanced studies diploma.

*Patron - Bulova*

**HB1370 Prohibition of certain high school level course grading policies.** Prohibits high school level course grading policies at the high school and local school board level that (i) prohibit homework assignments from counting toward any student's grade in any academic course; (ii) prohibit incomplete assignments or assignments not turned in by the assigned deadline from counting as a zero in any student's grade in any academic course; (iii) prohibit extraneous factors such as neatness, effort, and timeliness from being able to be counted toward any student's grade in any course; or (iv) require teachers to permit retakes on tests or assignments that count toward any student's grade in any academic course.

*Patron - Miyares*

**SB224 Public schools; tobacco.** Requires each school board, by July 1, 2017, to develop and implement a policy to prohibit the use of tobacco products on a school bus, on school property, or at a school-sponsored activity. The bill also replaces the term "electronic cigarette" with a defined term, "nicotine vapor product".

*Patron - Miller*

**SB275 Local school boards; transportation agreements with nonpublic schools.** Authorizes local school boards to enter into agreements with nonpublic schools to provide student transportation to and from school field trips. Current law authorizes such agreements for transportation to and from school.

*Patron - Wexton*

**SB279 Certain school divisions; plan to fund and phase in full-day kindergarten.** Requires each local school board that does not offer a full-day kindergarten program for each kindergarten student in the school division to develop a plan to fund and phase in such program over the course of five school years, including benchmarks for progress at the two-, three-, and four-school year intervals, and submit the plan to

the General Assembly in advance of the 2017 Regular Session of the General Assembly.

*Patron - Wexton*

**[F]SB321 Public schools; kindergarten instructional time.** Directs the Board of Education to promulgate regulations by July 1, 2018, establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten average at least 5.5 instructional hours in order to qualify for full accreditation. The bill has a delayed effective date of July 1, 2018.

*Patron - Barker*

**[F]SB340 School calendar.** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments.

*Patron - Garrett*

**[F]SB370 Family life education; child sexual abuse.** Requires the Board of Education to include in its standards of learning for family life education standards for age-appropriate instruction in the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse. The bill also requires such standards to be taught in kindergarten through twelfth grade.

*Patron - Wexton*

**[F]SB441 Public schools; Standards of Learning assessments.** Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended.

*Patron - Edwards*

**[F]SB458 Public schools; suspensions.** Directs the Board of Education to establish guidelines for alternatives to short-term and long-term suspension for consideration by local school boards.

*Patron - McEachin*

**[F]SB498 Public schools; Standards of Learning assessments.** Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965, as amended.

*Patron - Sturtevant*

**[F]SB525 Public schools; Standards of Learning assessments.** Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the Federal Elementary and Secondary Education Act of 1965, as amended.

*Patron - McPike*

**[F]SB540 Early childhood education.** Requires, on and after July 1, 2021, all school divisions to provide early childhood education programs for four-year-olds and five-year-olds who are not eligible to attend kindergarten or at-risk early childhood education programs and whose parents voluntarily wish to enroll them in such programs. These mandated early childhood education programs must be coordinated with the current at-risk early childhood programs, must be consistent with the Department of Education guidelines for early childhood education, and must meet the standards established by the Board of Education. The bill requires the Board of Education to promulgate regulations to implement the orderly phase-in of the required programs with the current voluntary programs for

at-risk four-year-olds and at-risk five-year-olds who are not eligible to attend kindergarten. Implementation and funding of the required public school early childhood education programs is contingent on funding in the appropriation act. The grants for the at-risk programs may continue to be provided to public schools or other local agencies; however, the Standards of Quality funding of early childhood education will be provided only to public schools.

*Patron - Edwards*

**[F]SB548 Students with limited English proficiency; alternative to the eleventh grade Standards of Learning end-of-course English reading assessment.** Requires the Board of Education to authorize the use of an English language proficiency assessment such as the WIDA ACCESS for ELLs assessment as an alternative to the eleventh grade Standards of Learning end-of-course English reading assessment for students with limited English proficiency.

*Patron - Barker*

**[F]SB554 Standards of Learning; history and social science.** Requires the Board of Education to include in the Standards of Learning for history and social science instruction on the importance of the Battle of Great Bridge.

*Patron - Cosgrove*

**[F]SB587 Attorneys for the Commonwealth; prosecution of compulsory school attendance cases.** Provides that if the attorney for the Commonwealth declines to prosecute violations of compulsory school attendance laws by a child alleged to be a child in need of services or a child in need of supervision the division superintendent's designee may pursue proceedings against the child. Under current law the attorney for the Commonwealth is mandated to prosecute all such cases; this bill will make prosecution mandatory only for alleged violations by parents.

*Patron - Sturtevant*

**[F]SB659 Standards of Quality; instructional positions.** Increases, from 17 to 22 the number of full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency for which state funding is provided to local school divisions.

*Patron - Favola*

**[F]SB660 Teacher dismissal; hearing officer.** Prohibits school boards from appointing as a hearing officer an employee of the appointing school board or the spouse, child, parent, grandparent, or sibling of (i) any member of the appointing school board or (ii) the school superintendent. The bill provides that in the event that the hearing officer or his relative is involved in the recommendation of dismissal as either a witness or representative, the school board shall conduct the requested hearing.

*Patron - Favola*

**[F]SB740 Access to electronic textbooks and adequate connectivity.** Prohibits school boards requiring the use of any electronic textbook in any course in grades six through 12 unless the school board adopts a plan to ensure that by July 1, 2019, (i) each student enrolled in such course will have access to a personal computing device capable of supporting such textbooks and (ii) the relevant school has adequate connectivity, which the bill defines as bandwidth of at least one megabit per second per student. The bill permits a local school board to establish a pilot program for the use of electronic textbooks at any secondary school in the local school division, provided that (a) each student at the secondary school has access to a personal computing device capable of supporting such textbooks, (b) each student at the secondary school has access to



adequate connectivity, and (c) the secondary school is receiving federal funds pursuant to Title I of the federal Elementary and Secondary Education Act of 1965 or no more than five percent of the students in the local school division or 300 students, whichever is greater, participate in the pilot program.

*Patron - Surovell*

## Carried Over

**[C]HB936 Certain students with limited English proficiency; standard diploma; credit flexibility.** Requires the Board of Education to make provision in its regulations for flexibility for any student with limited English proficiency to earn the credits required for a diploma. The bill requires such flexibility to permit local school divisions to award credit to such students who have failed reading, writing, or mathematics Standards of Learning assessments by a narrow margin, as defined by the Board.

*Patron - Toscano*

**[C]SB203 Public schools; Standards of Learning assessments.** Reduces the total number and type of required Standards of Learning assessments to the minimum requirements established by the federal Elementary and Secondary Education Act of 1965. The bill requires the Board of Education to adopt and implement a transition plan over two years beginning with the 2017-2018 school year.

*Patron - Miller*

**[C]SB428 Standards of Learning assessments; administration time frame.** Provides that, beginning in the 2016-2017 school year, the Standards of Learning assessments in grades three through five shall be administered over two consecutive school days and limited to two hours each day.

*Patron - Miller*

**[C]SB505 Standards of Learning assessments; reporting results.** Requires the Department of Education to report the results of individual students on the Standards of Learning assessments to the local school divisions by June 30 of each year.

*Patron - Sturtevant*

**[C]SB759 Public schools; dyslexia advisor.** Requires each local school board to employ one full-time equivalent advisor who specializes in the identification of, and the appropriate interventions accommodations, and teaching techniques for students with dyslexia or a related disorder.

*Patron - Black*

**[C]SB763 Special education; recording of classrooms.** Requires a local school division, upon written request by a parent or school board employee, to place, operate, and maintain one or more cameras in each self-contained classroom or other special education setting in which a majority of the students in regular attendance are (i) provided special education and related services and (ii) assigned to a self-contained classroom or other special education setting for at least 50 percent of the instructional day.

*Patron - Dance*

## Educational Institutions

### Passed

**[P]HB66 New Economy Workforce Credential Grant Fund and Program established.** Establishes the New Economy Workforce Credential Grant Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of disbursing funds to certain public institutions of higher education and other educational institutions in the Commonwealth to provide grants to Virginia students who complete certain noncredit workforce training programs at the institution and subsequently attain a relevant noncredit workforce credential. The bill also includes provisions relating to the amount and terms of such grants, academic credit for the attainment of noncredit workforce credentials, and reporting on completion of noncredit workforce training programs and attainment of noncredit workforce credentials. This bill is identical to SB 576.

*Patron - Byron*

**[P]HB209 Revision of Title 23, Educational Institutions.** Creates proposed Title 23.1 (Institutions of Higher Education; Other Educational and Cultural Institutions) as a revision of existing Title 23 (Educational Institutions). Proposed Title 23.1 consists of 32 chapters divided into five subtitles: Subtitle I (General Provisions); Subtitle II (Students and Campus); Subtitle III (Management and Financing); Subtitle IV (Public Institutions of Higher Education); and Subtitle V (Other Educational and Cultural Institutions). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to institutions of higher education and other educational and cultural institutions in the Commonwealth. The bill is a recommendation of the Virginia Code Commission and has a delayed effective date of October 1, 2016.

*Patron - LeMunyon*

**[P]HB450 Certain comprehensive community colleges; veterans advisors and veterans resource centers.** Requires each of the seven comprehensive community colleges in the Commonwealth with the highest number of enrolled students who are veterans to employ at least one full-time veterans advisor to provide comprehensive and intensive enrollment and advising services to current and prospective students who are veterans and establish a veterans resource center on campus to provide access to federal and state veterans resources; serve as a quiet place for veterans to study; enable veterans to connect to other veterans, helping them renew the bonds of military service; and be the central hub for all activities on campus related to veterans.

*Patron - Taylor*

**[P]HB515 Institutional six-year plans; report on economic development.** Requires each public institution of higher education to include in its institutional six-year plan a report of the institution's active contributions to efforts to stimulate the economic development of the Commonwealth, the area in which the institution is located, and, for those institutions subject to a management agreement, the areas that lag the Commonwealth in terms of income, employment, and other factors.

*Patron - Landes*

**[P]HB523 Higher education; student mental health policies.** Specifies that the contact person designated by a memorandum of understanding between a public four-year



institution of higher education and a mental health care provider to be notified when a student is involuntarily committed, or when a student is discharged from a facility, shall be notified only to the extent allowable under state and federal privacy laws. This bill is identical to SB 425.

*Patron - LeMunyon*

**HB807 Jamestown-Yorktown Foundation; 400th anniversary of landmark events in Virginia's history; planning, coordination, and implementation.** Requires all agencies and institutions of the Commonwealth, upon request, to designate liaisons and provide advice and assistance to the Jamestown-Yorktown Foundation for the planning, coordination, and implementation of the 400th anniversary of landmark events in Virginia's history in 2019. The bill permits the Jamestown-Yorktown Foundation, with the prior written approval of the Governor, to perform the following actions directly relating to the planning, coordination, and implementation of the 400th anniversary of landmark events in Virginia's history in 2019: (i) solicit and accept grants, donations, contributions, gifts, fees, sales, or other funds received, collected, or undertaken by the Jamestown-Yorktown Foundation for the 400th anniversary commemoration, which nongeneral funds shall be retained and not reverted back to the general fund at the end of any fiscal year; (ii) hire employees up to the Maximum Employment Level for the Foundation as provided in the general appropriation act, despite any potential suspension on hiring that may be mandated for the state agencies; and (iii) contact international, national, interstate, state, regional, and local elected and appointed officials. The year 2019 marks the 400th anniversary of the meeting of the first representative legislative assembly in the New World, known then as the House of Burgesses and being the antecedent of today's Virginia General Assembly, the oldest legislative body in the Western Hemisphere, and marks the 400th anniversary of other milestones in Virginia's and the nation's history, including the arrival of the first Africans to British America, the Virginia Company of London's attempt to expand the colony by recruiting a group of single women to send to Virginia, and observance of a service of Thanksgiving held at Berkeley Plantation. The bill has an expiration date of July 1, 2020.

*Patron - Cox*

**HB961 Four-year public institutions of higher education; alternative tuition or fee structures.** Permits each public institution of higher education to offer alternative tuition or fee structures that result in lower cost of attendance to students. The State Council of Higher Education for Virginia (the Council) shall offer guidance, upon request, to any public institution of higher education in establishing such alternative tuition or fee structure. The Council is also directed to develop recommendations regarding financial incentives and benefits that might be offered to public institutions of higher education that offer alternative tuition and fee structures, and to report its recommendations to the Joint Subcommittee on the Future Competitiveness of Virginia Higher Education by November 1, 2016.

*Patron - Rush*

**HB1012 Virginia College Building Authority; projects; participating institutions.** Permits any organization that is exempt from federal income taxation pursuant to § 501(c)(3) of the Internal Revenue Code and that is owned or controlled by a public institution of higher education in the Commonwealth or whose purpose is to support or otherwise benefit a public institution of higher education in the Commonwealth to finance projects through the Virginia College Building Authority. This bill is identical to SB 313.

*Patron - Massie*

**HB1015 Institutions of higher education; law-enforcement agencies; response to sexual assault.** Permits each public institution of higher education or nonprofit private institution of higher education to request the cooperation of the primary law-enforcement agency of the locality in which the institution is located to establish a written memorandum of understanding with such law-enforcement agency to address the prevention of and response to criminal sexual assault and requires such law-enforcement agency to cooperate in establishing such memorandum of understanding.

*Patron - Massie*

**HB1062 Management agreements.** Corrects incorrect Code references relating to management agreements entered into by public institutions of higher education.

*Patron - Jones*

**HB1103 ABLE savings trust accounts; exclusion from determination of state means-tested assistance and benefits.** Provides that notwithstanding any other provision of state law that requires consideration of one or more financial circumstances of an individual for the purpose of determining (i) the individual's eligibility to receive any assistance or benefit pursuant to such provision of state law or (ii) the amount of any such assistance or benefit that such individual is eligible to receive pursuant to such provision of state law, any (a) moneys in an ABLE savings trust account for which such individual is the beneficiary, including any interest on such moneys, (b) contributions to an ABLE savings trust account for which such individual is the beneficiary, and (c) distribution for qualified disability expenses for such individual from an ABLE savings trust account for which such individual is the beneficiary shall be disregarded for such purpose with respect to any period during which such individual remains the beneficiary of, makes contributions to, or receives distributions for qualified disability expenses from such ABLE savings trust account.

*Patron - Filler-Corn*

**HB1230 Boards of visitors of state-supported institutions of higher education; student intellectual property rights.** Requires the boards of visitors of state-supported institutions of higher education to adopt policies that are supportive of the intellectual property rights of matriculated students who are not employed by such institution.

*Patron - Herring*

**HB1303 Governing boards of public institutions of higher education; educational programs for members; member reappointment.** Prohibits the reappointment of any member of the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges who fails to attend during his first four-year term the statutorily required educational programs provided by the State Council of Higher Education for Virginia that address the role, duties, and responsibilities of such governing boards.

*Patron - Landes*

**HB1321 Private institutions of higher education; memoranda of understanding; sexual assaults.** Clarifies that nonprofit private institutions of higher education that have security departments instead of campus police forces are required to enter into a memorandum of understanding with a law-enforcement agency that requires such agency to notify the local attorney for the Commonwealth within 48 hours of beginning any investigation involving felony criminal sexual assault occurring on campus property or other property related to the institution.

*Patron - Massie*

**HB1343 Virginia Research Investment Committee and Fund established; report.** Establishes the Virginia Research Investment Committee (the Committee) to administer grants and loans from the Virginia Research Investment Fund (the Fund), created by this bill, to promote research, development, and commercialization in the Commonwealth. The bill provides that the State Council of Higher Education for Virginia (SCHEV) will establish guidelines related to administration and award of grants from the Fund, in consultation with the Committee. Upon receipt of completed grant applications, SCHEV will forward them to an entity with recognized science and technology expertise to review and rank the applications. Applications will then be forwarded to the Committee to make a final decision about the award of grants and funds. The Committee will be comprised of the Director of SCHEV, who will also serve as chairman, the Secretary of Finance, the staff directors of the House Appropriations and Senate Finance Committees, and three citizen members. The Speaker of the House of Delegates, the Senate Committee on Rules, and the Governor would each appoint one citizen member, to be selected from the nonlegislative citizen members of the Go Virginia Board if such Board is created by the 2016 Session of the General Assembly and becomes law. Of the moneys appropriated to the Fund, the General Assembly may specifically designate a portion of the moneys to be invested by the Board of the Virginia Retirement System. Only \$4 million of such invested funds may be awarded in any given year, and if the Committee decides to award a loan, such loan must come out of this \$4 million.

*Patron - Jones*

**SB83 Institutions of higher education; required agreements with law enforcement.** Requires all mutual aid agreements and memoranda of understanding required between public or private institutions of higher education and other law-enforcement agencies to specify the procedure for sharing information.

*Patron - Favola*

**SB245 Comprehensive community colleges; dual enrollment agreements.** Requires each comprehensive community college to enter into agreements with the local school divisions it serves to facilitate dual enrollment of eligible students into a Career Pathways program preparing students to pass a high school equivalency examination offered by the local school division and a postsecondary credential, certification, or license attainment program offered by the comprehensive community college.

*Patron - Stanley*

**SB313 Virginia College Building Authority; projects; participating institutions.** Permits any organization that is exempt from federal income taxation pursuant to § 501(c)(3) of the Internal Revenue Code and that is owned or controlled by a public institution of higher education in the Commonwealth or whose purpose is to support or otherwise benefit a public institution of higher education in the Commonwealth to finance projects through the Virginia College Building Authority. This bill is identical to HB 1012.

*Patron - Petersen*

**SB338 Higher education; study abroad programs.** Directs the State Council of Higher Education for Virginia to develop guidelines for study abroad programs.

*Patron - Alexander*

**SB425 Higher education; student mental health policies.** Specifies that the contact person designated by a memorandum of understanding between a public four-year institution of higher education and a mental health care provider to be

notified when a student is involuntarily committed, or when a student is discharged from a facility, shall be notified only to the extent allowable under state and federal privacy laws. This bill is identical to HB 523.

*Patron - Edwards*

**SB438 Public institutions of higher education; social media accounts.** Prohibits a public or private institution of higher education from requiring a student to disclose the username or password to any of such student's personal social media accounts, as defined in the section. The bill further provides that such a prohibition shall not prevent a campus police officer appointed by a public or private institution of higher education from performing his official duties.

*Patron - Barker*

**SB452 Medical school; clinical rotations.** Requires any public institution of higher education that awards medical degrees to create and support at least one clinical rotation in a hospital or clinic located in a medically underserved area of the state as determined by the Virginia Department of Health, in an area of the state that has an unemployment rate of one and one-half times the statewide average unemployment rate, or in a locality with a population of 50,000 or less in the Commonwealth.

*Patron - Stanley*

**SB576 New Economy Workforce Credential Grant Fund and Program established.** Establishes the New Economy Workforce Credential Grant Fund and Program, to be administered by the State Council of Higher Education for Virginia, for the purpose of disbursing funds to certain public institutions of higher education and other educational institutions in the Commonwealth to provide grants to Virginia students who complete certain noncredit workforce training programs at the institution and subsequently attain a relevant noncredit workforce credential. The bill also includes provisions relating to the amount and terms of such grants, academic credit for the attainment of noncredit workforce credentials, and reporting on completion of noncredit workforce training programs and attainment of noncredit workforce credentials. This bill is identical to HB 66.

*Patron - Ruff*

## Failed

**HB79 Possession of concealed handguns; faculty members at public institutions of higher education.** Allows full-time faculty members of public institutions of higher education who possess a valid Virginia concealed handgun permit to carry a concealed handgun on campus.

*Patron - Marshall, R.G.*

**HB135 Eligibility for in-state tuition charges; members of state-recognized Virginia tribes.** Declares any student who is a member of a state-recognized Virginia tribe to be eligible for in-state tuition charges at public institutions of higher education. The bill provides that any such student granted in-state tuition shall be counted as an in-state student for the purpose of determining college admissions, enrollment, and tuition and fee revenue policies.

*Patron - Krizek*

**HB229 State Council of Higher Education for Virginia; uniform bachelor's degree credit hours and lower division curriculum.** Requires the State Council of Higher Education (the Council) to set a uniform number of credit hours required to earn any bachelor's degree at any public institution.

tution of higher education. The bill also requires the Council to develop a uniform lower division curriculum consisting of no more than 60 credit hours that is uniform across all public institutions of higher education and that specifies the lower division courses and the number of such courses that satisfy the requirements, prerequisites, and electives for each program major, including the lower division courses that satisfy general education requirements. The bill requires the Council to determine specific criteria for courses in the lower division curriculum and ensure that courses that meet such criteria are easily identifiable to students. The bill specifies that any student who completes the uniform lower division curriculum at a two-year public institution of higher education shall earn an associate degree and shall be permitted to transfer all such credit hours earned to any public institution of higher education to which the student has been admitted and apply such credit hours toward the degree requirements at such institution.

*Patron - Bell, Richard P.*

**HB568 Virginia Guaranteed Assistance Program; grants.** Makes several changes to the Virginia Guaranteed Assistance Program (Program), including adding requirements that (i) each student eligible for the Program receive a grant from the institution's appropriations for undergraduate student financial assistance before grants are awarded to students with equivalent remaining need, (ii) each eligible student receive a grant in an amount greater than other grants awarded to students with equivalent remaining need, (iii) each eligible student receive a Program grant in an amount greater than the grant of each eligible student with equivalent remaining need in the next-lowest class level, and (iv) each Program grant be determined by a proportionate award schedule adopted by each institution and vary according to each student's remaining need and the total of tuition, fees, and other necessary charges, including books.

*Patron - Cox*

**HB638 Public institutions of higher education; public-private partnerships; wind and solar power.** Permits each public institution of higher education to enter into a public-private partnership with any private entity whereby such entity is permitted to use at no cost property owned or controlled by such public institution of higher education for the generation of wind or solar power in exchange for offering educational immersion programs for high school students and students at public institutions of higher education that provide hands-on education and training in the construction, operations, and maintenance of its wind or solar power generators. The bill requires any energy produced by such solar or wind power generators to be (i) used to provide power for the partner public institution of higher education or (ii) introduced to applicable power grids and sold at market rates, with profits split as agreed upon by the private entity and the partner public institution of higher education. The bill requires any such profits gained by the partner public institution of higher education to be used to further research, expand clean energy education programs, or lower student tuition rates.

*Patron - Bell, John J.*

**HB662 State Council of Higher Education for Virginia; open educational resources.** Requires the State Council of Higher Education to administer an Open Educational Resources Fund and Program to provide grants on a competitive basis to public institutions of higher education to encourage such institutions to use low-cost or no-cost open educational resources that are openly licensed and shared with the public through an existing or new open educational resources repository and, no later than June 30, 2017, in coordination with each public institution of higher education, identify open educational resources that have undergone a peer-

review process and can be made available to each public institution of higher education and be adopted at each such institution as the primary instructional material for at least 15 high-enrollment courses in general education disciplines for which the course credit is transferrable among all public institutions of higher education. The bill requires each public institution of higher education awarded grants under the program, after an appropriate pilot period of successful implementation, to prominently designate grant-funded courses whose course materials consist exclusively of open educational resources or other low-cost or no-cost course materials (i) in the published course descriptions on the institution's website or otherwise provided to students at the time of course registration and on the campus bookstore course materials list that is provided for the course or (ii) through other methods or processes deemed appropriate by the institution and approved by the Council. The bill defines "open educational resources" as teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that permits their free use and repurposing by others and that conform to the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and to any additional accessibility standards established by the Council. The bill contains an emergency clause.

*Patron - Filler-Corn*

**HB761 Possession of concealed handguns; females at public institutions of higher education.** Prohibits public institutions of higher education from adopting or enforcing any rules prohibiting a female who possess a valid Virginia concealed handgun permit from carrying a concealed handgun on campus.

*Patron - Freitas*

**HB792 Comprehensive community colleges; non-credit workforce credentials; Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Act.** Establishes the Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Program (Program), to be administered by the Virginia Community College System (System). The bill requires the System to approve (i) a plan and funding formula to support capacity building for and development and expansion of noncredit workforce credential programs at comprehensive community colleges that prepare students for in-demand noncredit workforce credentials that are aligned with the knowledge and skill sets that are required for the available occupations in each region, (ii) a plan for providing financial incentives to comprehensive community colleges that demonstrate exceptional performance or improvement in the development and expansion of such noncredit workforce credential programs, and (iii) a plan and timeline for assessing the impact of a pilot set of noncredit workforce credentials on short-term and long-term job attainment and wages. The bill requires the System to submit a report to the General Assembly and the Virginia Board of Workforce Development no later than January 1 of each year with certain data from the previous fiscal year on noncredit workforce credential attainment by students at comprehensive community colleges.

*Patron - James*

**HB793 Academic credit; industry credentials.** Requires the State Board for Community Colleges to adopt a policy for the award of academic credit to any student enrolled in a comprehensive community college who has successfully completed a third-party industry credential identified as in demand and applicable to the student's certificate or degree program requirements. The bill also requires the State Board, in consultation with the Virginia Board of Workforce Development and local business and industry leaders, to identify in-

demand third-party industry credentials for each community college region.

*Patron - James*

**[F]HB803 Public institutions of higher education; students and officially recognized student organizations; right to representation at proceedings; appeal.** Requires the State Council of Higher Education for Virginia to develop a procedure for disciplinary proceedings involving students and officially recognized student organizations at public institutions of higher education that in most cases affords students and officially recognized student organizations alleged to have violated a public institution of higher education's policies for the conduct of students the right to (i) be represented by an advocate for the duration of any disciplinary proceeding, appeal, or other institutional proceeding regarding the alleged violation and (ii) appeal adverse findings. The bill sets forth other evidentiary rules and procedures relating to such proceedings.

*Patron - Morris*

**[F]HB847 Public institutions of higher education; tuition assistance for non-Virginia students; proceeds from state debt and revenues generated from state taxes and fees.** Prohibits each public institution of higher education from using any proceeds from state debt or revenues generated from state taxes and fees that are appropriated to such institution to offer any form of tuition assistance to any non-Virginia student and requires each public institution of higher education to separately account for such proceeds and revenues and provide a report of expenditures from such account to the House Committee on Appropriations and the Senate Committee on Finance upon the request of such committees.

*Patron - Hugo*

**[F]HB863 Public institutions of higher education; admission of undergraduate students domiciled in Virginia.** Requires the governing board of each public institution of higher education, except for the Virginia Military Institute, Norfolk State University, and Virginia State University, to establish policies requiring that at least 75 percent of undergraduate students admitted to the institution have established domicile in Virginia. The bill requires each such governing board to recover any lost revenue caused by this requirement by increasing the tuition charged to out-of-state undergraduate students. The bill requires compliance with such requirements and policies beginning no later than June 30, 2021.

*Patron - Hugo*

**[F]HB876 Public institutions of higher education; student health insurance coverage.** Provides that any public institution of higher education that offers to provide enrolled students with health insurance coverage shall provide such coverage on an opt-in basis.

*Patron - Hugo*

**[F]HB926 Institutions of higher education; letter certifying good standing of certain students.** Requires institutions of higher education that include notations on the transcripts of students who have been suspended for, have been permanently dismissed for, or withdraw from the institution while under investigation for offenses involving sexual violence under the institution's code, rules, or set of standards governing student conduct to require the dean of students or similar such individual at any other institution of higher education within or outside the Commonwealth to submit to it a letter certifying the good standing of any student who seeks admission to the institution that requires the letter of certification and who, at the time such student withdraws from the other institution of higher education within or outside the Commonwealth, is determined to be in good standing according to the institution's

code, rules, or set of standards governing such a determination and is not under investigation or subject to any pending institutional proceedings for a violation of the institution's code, rules, or set of standards governing student conduct.

*Patron - Mason*

**[F]HB1022 Virginia Guaranteed Assistance Program; eligibility; use of funds.** Makes several changes to the student eligibility criteria for Virginia Guaranteed Assistance Program grants, including (i) removing the requirement that the recipient be a dependent, (ii) requiring the recipient to be enrolled full time, (iii) removing the restriction on the number of years for which the grant may be renewed annually, and (iv) permitting renewal of the grant only if the recipient successfully completes a minimum of 30 credit hours in the immediate preceding award year, unless granted an exception for cause pursuant to State Council of Higher Education for Virginia regulations. The bill permits public institutions of higher education to use Guaranteed Assistance Program funds to provide enhanced awards to students who are enrolled in at least 15 credit hours per term. The provisions of the bill become effective beginning with first-time entering freshman class of the fall 2017 academic year.

*Patron - Sickles*

**[F]HB1036 State Council of Higher Education; longitudinal data system; report.** Requires the State Council of Higher Education for Virginia, in collaboration with other state agencies, to develop and maintain a virtual, comprehensive longitudinal data system for the purposes of providing policy makers and authorized researchers access to educational, health, social service, and employment outcome data; improving the efficacy of state services; and aiding decision making. The bill also requires the Director of the State Council to establish an advisory committee and to provide an annual report to the Governor the General Assembly, and participating agencies.

*Patron - Murphy*

**[F]HB1099 Virginia Military Survivors and Dependents Education Program; eligibility.** Extends the benefits of the Virginia Military Survivors and Dependents Education Program to the spouse or child of a veteran with at least a 90 percent permanent, service-related disability. Under current law, the spouse or child would be eligible for benefits only if the veteran's disability was incurred during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict. The bill also requires the Department of Veterans Services to define "armed conflict" pursuant to regulation. The provisions of the bill are contingent on funding in a 2016 general appropriation act.

*Patron - Villanueva*

**[F]HB1176 In-state tuition; members of the Virginia National Guard.** Provides that any member of the Virginia National Guard residing in Virginia shall be eligible for in-state tuition at a public institution of higher education.

*Patron - Anderson*

**[F]HB1206 Comprehensive community colleges; non-credit workforce credentials; Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Act.** Establishes the Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Program (Program), to be administered by the Virginia Community College System (System). The bill requires the System to approve (i) a plan and funding formula to support capacity building for and development and expansion of noncredit workforce credential programs at comprehensive community colleges that prepare students for in-demand noncredit workforce credentials that are aligned with

the knowledge and skill sets that are required for the available occupations in each region, (ii) a plan for providing financial incentives to comprehensive community colleges that demonstrate exceptional performance or improvement in the development and expansion of such noncredit workforce credential programs, and (iii) a plan and timeline for assessing the impact of a pilot set of noncredit workforce credentials on short-term and long-term job attainment and wages. The bill requires the System to submit a report to the General Assembly and the Virginia Board of Workforce Development no later than January 1 of each year with certain data from the previous fiscal year on noncredit workforce credential attainment by students at comprehensive community colleges.

*Patron - Greason*

**HB1222 Virginia Military Survivors and Dependents Education Program; eligibility.** Includes stepchildren between the ages of 16 and 29 of certain military service members in the definition of "qualified survivors and dependents" for the purposes of eligibility for the Virginia Military Survivors and Dependents Education Program.

*Patron - Cole*

**HB1247 Public institutions of higher education; student expulsion; appeal.** Permits any student who, as a result of any institutional proceeding at a public institution of higher education, is expelled from the institution for a violation of the institution's code, rules, or set of standards governing student conduct to appeal such decision to the governing board of such institution. The bill requires the governing board of each public institution of higher education to adopt institution policies and procedures for such student appeals.

*Patron - Albo*

**HB1351 Virginia Sports Hall of Fame.** Creates the Virginia Sports Hall of Fame as a public body with a board of directors (the Board) consisting of 21 members, of whom six are to be members of the House of Delegates, four are to be members of the Senate, six are to be nonlegislative citizen members appointed by the Governor, subject to confirmation by the General Assembly, and five are to be nonlegislative citizen members elected by the Board.

*Patron - James*

**HB1367 Four-year public institutions of higher education; alternative tuition or fee structures.** Permits each public institution of higher education to offer alternative tuition or fee structures to students. The bill provides that if a public institution of higher education, with the approval of the State Council of Higher Education for Virginia (the Council), offers alternative tuition or fee structures, including discounted tuition, four-year flat tuition rates, discounted student fees, or student fee and student services flexibility, to any Virginia-domiciled, first-time, incoming freshman undergraduate student who enrolls full time with the intent to earn a degree in a program that leads to employment in a high-demand field in the region, according to guidelines established by the Council, each student who receives the benefits of such an alternative tuition or fee structure shall count one and a half times for the purpose of (i) targeted economic and innovation incentives to increase degree completion in a timely or expedited manner, (ii) the base adequacy funding guidelines adopted and periodically updated by the Joint Subcommittee Studying Higher Education Funding Policies, or (iii) biennial assessments of institutional performance as set forth in Part 4 of the general appropriation act and consistent with § 23-9.6:1.01.

*Patron - Kory*

**HB1384 The New College Institute; operations and governance agreement with a public institution of higher**

**education.** Permits the New College Institute (New College) and any public institution of higher education to enter into an operations and governance agreement that may include (i) the merger of New College and the public institution of higher education on terms and conditions acceptable to each institution or (ii) the delegation or assignment of some or all of the duties of New College by New College to the public institution of higher education and the assumption of such duties by the public institution of higher education. The bill requires such operations and governance agreement to be subject to the approval of two-thirds of the members of the governing board of New College and two-thirds of the members of the governing board of the public institution of higher education.

*Patron - Marshall, D.W.*

**SB28 Virginia Sports Hall of Fame.** Creates the Virginia Sports Hall of Fame as a public body with a board of directors (the Board) consisting of 21 members, of whom six are to be members of the House of Delegates, four are to be members of the Senate, six are to be nonlegislative citizen members appointed by the Governor, subject to confirmation by the General Assembly, and five are to be nonlegislative citizen members elected by the Board.

*Patron - Lucas*

**SB440 Virginia Guaranteed Assistance Program; eligibility; use of funds.** Makes several changes to the student eligibility criteria for Virginia Guaranteed Assistance Program grants, including (i) removing the requirement that the recipient be a dependent, (ii) requiring the recipient to be enrolled full time, (iii) removing the restriction on the number of years for which the grant may be renewed annually, and (iv) permitting renewal of the grant only if the recipient successfully completes a minimum of 30 credit hours in the immediate preceding award year, unless granted an exception for cause pursuant to State Council of Higher Education for Virginia regulations. The bill permits public institutions of higher education to use Guaranteed Assistance Program funds to provide enhanced awards to students who are enrolled in at least 15 credit hours per term. The provisions of the bill become effective beginning with first-time entering freshman class of the fall 2017 academic year.

*Patron - Saslaw*

**SB501 Higher education; in-state tuition.** Prohibits, without the prior statutory approval of the General Assembly, any percent increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds twice the annual percent increase, as determined by the State Council for Higher Education, in the Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, from January 1 through December 31 of the year immediately preceding the affected year.

*Patron - Sturtevant*

**SB503 Public institutions of higher education; fixed four-year tuition rate.** Requires the board of visitors of four-year public institutions of higher education to annually establish, for each of the following four years, an in-state tuition rate class cap that identifies the annual amount at which the cost of in-state tuition will not exceed. The bill prohibits the cost of in-state tuition from exceeding the class rate cap for an in-state student in the relevant class.

*Patron - Sturtevant*

**SB541 Two-Year College Scholarship Match Program.** Establishes the Two-Year College Scholarship Match Program to provide matching funds to two-year college foun-

ditions 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.

*Patron - Edwards*

**SB575 Comprehensive community colleges; non-credit workforce credentials; Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Act.** Establishes the Virginia Pathway to the Middle Class: Non-credit Workforce Credentials Program (Program), to be administered by the Virginia Community College System (System). The bill requires the System to approve (i) a plan and funding formula to support capacity building for and development and expansion of noncredit workforce credential programs at comprehensive community colleges that prepare students for in-demand noncredit workforce credentials that are aligned with the knowledge and skill sets that are required for the available occupations in each region, (ii) a plan for providing financial incentives to comprehensive community colleges that demonstrate exceptional performance or improvement in the development and expansion of such noncredit workforce credential programs, and (iii) a plan and timeline for assessing the impact of a pilot set of noncredit workforce credentials on short-term and long-term job attainment and wages. The bill requires the System to submit a report to the General Assembly and the Virginia Board of Workforce Development no later than January 1 of each year with certain data from the previous fiscal year on noncredit workforce credential attainment by students at comprehensive community colleges.

*Patron - Ruff*

**SB609 Academic credit; industry credentials.** Requires the State Board for Community Colleges to adopt a policy for the award of academic credit to any student enrolled in a comprehensive community college who has successfully completed a third-party industry credential identified as in demand and applicable to the student's certificate or degree program requirements. The bill also requires the State Board, in consultation with the Virginia Board of Workforce Development and local business and industry leaders, to identify in-demand third-party industry credentials for each community college region.

*Patron - Alexander*

**SB622 Military medical personnel; pilot program.** Directs the Department of Veterans Services, in collaboration with the Board of Medicine and the Department of Health Professions, to establish a pilot program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine under the supervision of a licensed physician or podiatrist. The bill requires the Department of Veterans Services to establish general requirements for participating in the program and directs the Board of Medicine to establish protocols to be used in the program.

*Patron - Dunnivant*

**SB636 State Council of Higher Education; longitudinal data system; report.** Requires the State Council of Higher Education for Virginia, in collaboration with other state agencies, to develop and maintain a virtual, comprehensive longitudinal data system for the purposes of providing policy makers and authorized researchers access to educational, health, social service, and employment outcome data; improving the efficacy of state services; and aiding decision making. The bill also requires the Director of the State Council to establish an advisory committee and to provide an annual report to

the Governor the General Assembly, and participating agencies.

*Patron - Sturtevant*

## Carried Over

**HB400 Virginia Student Loan Refinancing Authority established.** Establishes the Virginia Student Loan Refinancing Authority, to be governed by a 10-member board, for the purpose of developing and implementing a program by which each individual who incurred qualified education loan debt as a Virginia student at an institution of higher education in the Commonwealth and who is eligible, on the basis of criteria established by the Authority that are substantially similar to criteria used by private lenders in the Commonwealth to evaluate student eligibility for an unsecured personal loan at market rates, may receive a loan from the Authority to refinance all or part of his qualified education loans, as that term is defined in relevant federal law.

*Patron - Simon*

**SB17 Grants for donations to science, technology, engineering, or math (STEM) programs at qualified schools.** Establishes a grant program administered by the Board of Education beginning in 2017 for donations made by STEM organizations to qualified schools. The donations must be used by qualified schools to support STEM programs. The bill defines qualified schools as those public elementary and secondary schools at which at least 40 percent of the students qualify for free or reduced lunch. Grants are capped at \$50,000 per organization per year.

*Patron - Stanley*

**SB52 Virginia Student Loan Refinancing Authority established.** Establishes the Virginia Student Loan Refinancing Authority, to be governed by a 10-member board, for the purpose of developing and implementing a program by which each individual who incurred qualified education loan debt as a Virginia student at an institution of higher education in the Commonwealth and who is eligible, on the basis of criteria established by the Authority that are substantially similar to criteria used by private lenders in the Commonwealth to evaluate student eligibility for an unsecured personal loan at market rates, may receive a loan from the Authority to refinance all or part of his qualified education loans, as that term is defined in relevant federal law.

*Patron - Howell*

**SB330 In-state tuition; members of the Virginia National Guard.** Provides that any member of the Virginia National Guard residing in Virginia shall be eligible for in-state tuition at a public institution of higher education.

*Patron - Lewis*

**SB402 Virginia Higher Education Scholarship Act.** Requires, beginning with the incoming freshman class of 2017, the board of visitors of a four-year public institution of higher education to maintain a ratio of the in-state and out-of-state student population in each incoming freshman class that is not less than 55 percent in-state students. The bill establishes the Virginia Higher Education Scholarship Fund and Program. The program grants scholarships to the top two percent of graduates from Virginia public high schools. The scholarships pay for tuition, mandatory fees, room, and board for eight semesters over five years. Recipients may apply the scholarships to one of nine public institutions of higher education on the basis of

the locality of the student's high school or to Norfolk State University, Virginia Military Institute, or Virginia State University.  
*Patron - Garrett*

**CSB528 Virginia Military Survivors and Dependents Education Program; eligibility.** Extends the benefits of the Virginia Military Survivors and Dependents Education Program to the spouse or child of a veteran with at least a 90 percent permanent, service-related disability. Under current law, the spouse or child would be eligible for benefits only if the veteran's disability was incurred during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict.

*Patron - Stuart*

## Elections

### Passed

**P HB9 Voter registration; application; form and required information.** Specifies in greater detail the information that applicants for voter registration are required to provide on the voter registration application form. The bill also requires the general registrars to deny the application of any applicant who fails to provide his first and last name or his date of birth; fails to provide his social security number or indicate that he does not have a social security number; fails to provide his citizenship status or provides that he is not a U.S. citizen; fails to provide his residence address or indicate rural residence location or homelessness; fails to provide previous voter registration information or indicate lack thereof; or fails to indicate that he will be, or indicates that he will not be, at least 18 years of age on or before the date of the next general election.

*Patron - Cole*

**P HB88 General registrars and members of electoral boards; annual training; office closures.** Requires each member of an electoral board to attend an annual training program provided by the State Board of Elections in the first year of his appointment and in the first year of any subsequent reappointment. The bill also requires the general registrars to attend an existing annual training program provided by the State Board but allows a general registrar to designate a member of his staff to attend such training if he is unable to attend because of a personal or family emergency. The bill also provides for the closure of the offices of the general registrars for training purposes.

*Patron - Cole*

**P HB104 Voting equipment; locking and sealing of voting and counting machines after election.** Provides that if a voting or counting machine secured by removal of a data storage device containing the only record of votes cast for any office or on any question and the machine itself does not contain such a record, that machine is required to remain locked and sealed only until it is returned to the site at which voting and counting machines are stored in the locality. The sealed envelopes containing the equipment keys for such machines are required to be delivered to the electoral board no later than noon on the day following the election. The bill also provides that the requirements for locking and sealing voting equipment do not apply to any ballot marking device and its data storage device provided to meet accessibility requirements, where the number of persons voting in the election or the number of votes cast for any office or on any question are not recorded by the ballot marking device. All other voting systems are subject to

current provisions for the locking and sealing of equipment. This bill is identical to SB 315.

*Patron - O'Bannon*

**P HB105 Contests of election for certain elections; service of process.** Requires that contestees in a contest of (i) a primary election for the United States House of Representatives, the General Assembly, or a local office or (ii) any election for a local office be served by the contestant with a copy of the complaint within 30 days following the date of the election in the case of a general election and within 10 days following the date of the election in the case of a primary or special election held on a date other than that of a general election. This bill is identical to SB 316.

*Patron - O'Bannon*

**P HB205 Election day program; permitted activities of participants.** Allows election pages participating in the election day program for high school students to assist in the arrangement of voting equipment, furniture, and any other materials for the conduct of the election. The bill also allows election pages to assist in the counting of unmarked ballots prior to the opening of the polls, at the direction and under the direct supervision of the chief officer of election, but prohibits election pages from handling or touching ballots in any other circumstance. Currently, participants in the election day program are prohibited from handling or touching ballots, voting machines, and other official election materials. The bill requires the election pages to receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. This bill is identical to SB 381.

*Patron - Webert*

**P HB254 House of Delegates districts; technical adjustment.** Changes district assignments of certain census blocks between Districts 28 and 88 in the City of Fredericksburg in order to place all of current Precinct 401, presently divided between the two districts, in District 28. Both districts will continue to have a deviation of less than one percent from the ideal district population.

*Patron - Cole*

**P HB456 Absentee ballots; electronic transmission by general registrars.** Provides that when a voter who is eligible to request to receive certain absentee voting materials, including the absentee ballot, by electronic transmission so requests, the email address or fax number used by the general registrars to send such materials shall be the official email address or fax number of the office of the general registrar published on the Department of Elections website. The bill authorizes the State Board of Elections to prescribe by regulations the format of the email address to be used to transmit ballots to eligible voters and also allows the general registrars to use electronic transmission facilities provided by the Federal Voting Assistance Program. The bill does not provide for the return by electronic means of a voted absentee ballot. This bill is identical to SB 137.

*Patron - Murphy*

**P HB832 Vacancies in constitutional offices; special elections.** Allows the governing body of a county or city in which a vacancy in a constitutional office has occurred to request in its petition for a writ of election that the circuit court order the special election to be held at the next ensuing general election and allows the court to issue such writ. The bill also authorizes the governing body to petition the circuit court to request that no special election be ordered when the vacancy occurs within the 12 months immediately preceding the end of the term of that office and requires the court to grant such a



request. The bill contains technical amendments. This bill is identical to SB 308.

*Patron - Landes*

**[P]HB1030 Officers of election; required training.** Requires each officer of election to receive training at least once during the term for which he was appointed and whenever there is a change to election procedures that alters the duties or conduct of the officers of election. The State Board of Elections is required to (i) develop standardized training programs, (ii) provide standardized training materials, and (iii) offer on the Department of Elections website an online training course. The bill requires the training of the officers of election to be conducted by the local electoral boards and general registrars, using the standardized training programs and materials developed by the State Board, but gives the local electoral boards and general registrars the option to instead require the officers of election complete the online training course offered by the State Board. This bill is identical to SB 574.

*Patron - Sickles*

**[P]HB1145 Local electoral boards; reassigning certain duties related to elections administration.** Reassigns duties of the electoral boards related to elections administration to the general registrars. When performing these duties, the general registrars are acting in their capacity as directors of elections. This bill is identical to SB 382.

*Patron - Cole*

**[P]HB1188 Senate districts; adjustment.** Changes district assignments of two census precincts (VTDs) in Louisa County. The bill moves Fredericks Hall Precinct from District 17 to District 22 and South Anna Precinct from District 22 to District 17. The population deviation for both districts remains under two percent.

*Patron - Farrell*

**[P]HB1223 Procedures at polling place; provision of voter's full name and current residence address.** Permits a voter to give his full name and current residence address orally or in writing to the officer of election when offering to vote.

*Patron - Watts*

**[P]HB1387 Large pre-election contributions; deadline for disclosure.** Amends the deadline for reporting certain large pre-election contributions from 5:00 p.m. to 11:59 p.m. on the day after the contribution was received or on the Monday after a contribution received on a Saturday.

*Patron - Lingamfelter*

**[P]SB43 Time of municipal elections.** Clarifies that a city or town may move the time of its local elections to the November general election pursuant to statutory authority notwithstanding any contrary provisions of its charter.

*Patron - Carrico*

**[P]SB89 Local electoral boards; meeting minutes.** Requires the posting of minutes of the local electoral boards' meetings on the local electoral board's website or the official website of the county or city when such means are available. Minutes of meetings are required to be posted as soon as possible but no later than one week prior to the following meeting of the electoral board.

*Patron - Marsden*

**[P]SB137 Absentee ballots; electronic transmission by general registrars.** Provides that when a voter who is eligible to request to receive certain absentee voting materials, including the absentee ballot, by electronic transmission so requests, the email address or fax number used by the general registrars

to send such materials shall be the official email address or fax number of the office of the general registrar published on the Department of Elections website. The bill authorizes the State Board of Elections to prescribe by regulations the format of the email address to be used to transmit ballots to eligible voters and also allows the general registrars to use electronic transmission facilities provided by the Federal Voting Assistance Program. The bill does not provide for the return by electronic means of a voted absentee ballot. This bill is identical to HB 456.

*Patron - Favola*

**[P]SB190 Voting systems; use of direct recording electronic machines.** Prohibits the use of direct recording electronic machines (DREs) in elections on and after July 1, 2020. The governing bodies of counties and cities have been prohibited from acquiring DREs for use in elections since July 1, 2007, but under current law the use of previously acquired DREs is permitted for the remainder of their useful life. The bill also removes references to DREs in other sections of the Code and makes technical amendments to terminology.

*Patron - Miller*

**[P]SB308 Vacancies in constitutional offices; special elections.** Allows the governing body of a county or city in which a vacancy in a constitutional office has occurred to request in its petition for a writ of election that the circuit court order the special election to be held at the next ensuing general election and allows the court to issue such writ. The bill also authorizes the governing body to petition the circuit court to request that no special election be ordered when the vacancy occurs within the 12 months immediately preceding the end of the term of that office and requires the court to grant such a request. The bill contains technical amendments. This bill is identical to HB 832.

*Patron - Hanger*

**[P]SB315 Voting equipment; locking and sealing of voting and counting machines after election.** Provides that if a voting or counting machine secured by removal of a data storage device containing the only record of votes cast for any office or on any question and the machine itself does not contain such a record, that machine is required to remain locked and sealed only until it is returned to the site at which voting and counting machines are stored in the locality. The sealed envelopes containing the equipment keys for such machines are required to be delivered to the electoral board no later than noon on the day following the election. The bill also provides that the requirements for locking and sealing voting equipment do not apply to any ballot marking device and its data storage device provided to meet accessibility requirements, where the number of persons voting in the election or the number of votes cast for any office or on any question are not recorded by the ballot marking device. All other voting systems are subject to current provisions for the locking and sealing of equipment. This bill is identical to HB 104.

*Patron - Dance*

**[P]SB316 Contests of election for certain elections; service of process.** Requires that contestees in a contest of (i) a primary election for the United States House of Representatives, the General Assembly, or a local office or (ii) any election for a local office be served by the contestant with a copy of the complaint within 30 days following the date of the election in the case of a general election and within 10 days following the date of the election in the case of a primary or special election held on a date other than that of a general election. This bill is identical to HB 105.

*Patron - Dance*



**SB381 Election day program; permitted activities of participants.** Allows election pages participating in the election day program for high school students to assist in the arrangement of voting equipment, furniture, and any other materials for the conduct of the election. The bill also allows election pages to assist in the counting of unmarked ballots prior to the opening of the polls, at the direction and under the direct supervision of the chief officer of election, but prohibits election pages from handling or touching ballots in any other circumstance. Currently, participants in the election day program are prohibited from handling or touching ballots, voting machines, and other official election materials. The bill requires the election pages to receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. This bill is identical to HB 205.

*Patron - Vogel*

**SB382 Local electoral boards; reassigning certain duties related to elections administration.** Reassigns duties of the electoral boards related to elections administration to the general registrars. When performing these duties, the general registrars are acting in their capacity as directors of elections. This bill is identical to HB 1145.

*Patron - Vogel*

**SB420 Voter registration; information required on voter registration application; adjudication of incapacity or felony conviction.** Removes the requirement that a person registering to vote who states that he was (i) previously adjudicated incapacitated and disqualified to vote or (ii) convicted of a felony and that his right to vote has been restored additionally provide information regarding the circumstances under which his right to vote has been restored.

*Patron - Ebbin*

**SB460 Voter registration; notification to other states of a person's registration in Virginia.** Requires the general registrars, when registering any person who was previously registered in another state, to notify the appropriate authority in that state of the person's registration in Virginia by providing electronically, through the Department of Elections, the information contained in that person's registration application.

*Patron - Vogel*

**SB574 Officers of election; required training.** Requires each officer of election to receive training at least once during the term for which he was appointed and whenever there is a change to election procedures that alters the duties or conduct of the officers of election. The State Board of Elections is required to (i) develop standardized training programs, (ii) provide standardized training materials, and (iii) offer on the Department of Elections website an online training course. The bill requires the training of the officers of election to be conducted by the local electoral boards and general registrars, using the standardized training programs and materials developed by the State Board, but gives the local electoral boards and general registrars the option to instead require the officers of election complete the online training course offered by the State Board. This bill incorporates SB 772 and is identical to HB 1030.

*Patron - McEachin*

**SB664 Ballots; candidates for school boards.** Provides that the names of candidates for school boards shall be listed on the ballot in an order determined by the order of the priority of time of filing for that office. In the event that two or more candidates file simultaneously, the order of filing is determined by lot by the electoral board. Currently, all candidates not nominated by a political party or a recognized political

party are listed on the ballot in alphabetical order. The bill contains technical amendments.

*Patron - Surovell*

**SB767 Form of ballot; party identification of candidates.** Provides that any candidate nominated by a political party or at a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices are so identified.

*Patron - Suetterlein*

## Failed

**HB13 Elections; costs of primaries; reimbursement to localities.** Requires the proper political party committee to reimburse in full each county and city conducting a primary election at the direction of the Commonwealth. The bill also shifts payment of the costs of a presidential primary election from the Commonwealth to the proper political party committee.

*Patron - Ware*

**HB26 Congressional and state legislative districts.** Provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. Use of political data or election results is prohibited unless necessary to determine if racial or ethnic minorities can elect candidates of their choice.

*Patron - Sullivan*

**HB32 Voter identification; accepted forms of identification.** Adds to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the United States. Current law allows students from any institution of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting.

*Patron - Sullivan*

**HB56 Elections; absentee voting by persons age 70 or older.** Entitles persons who will be age 70 or older on the date of an election for which an absentee ballot is requested to vote absentee.

*Patron - Kory*

**HB67 Voter registration; automatic voter registration.** Provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license, (ii) apply for, replace, or renew a special identification card, or (iii) change an address on an existing driver's license or special identification card if the Department of Motor Vehicles records indicate that he (a) is a United States citizen, (b) is 17 years of age or older, and (c) at the time of the transaction does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction and that voting more than once in any election in the same or different jurisdictions are both punishable under Virginia law as a felony. The information required

to be transferred includes the person's full name, date of birth, gender, residence address, citizenship status, driver's license and social security number, and digital signature and an affirmation by the person that he meets all voter eligibility requirements. Upon receipt of the information, the Department of Elections is required to determine whether the person is already registered to vote. If the person is already registered to vote, the Department of Elections is required to take certain steps to update the voter's registration records. If the person is not already registered to vote, the Department of Elections is required to verify that the person meets all voter eligibility requirements and, if so finding, is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications.

*Patron - Sullivan*

**[F]HB68 Elections; early voting.** Allows any registered voter to vote early in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill requires that early voting be available beginning the twenty-first day prior to any general election, the seventh day prior to any special election held on a date other than the date of a general election, and the seventh day prior to any primary election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill further requires early voting to be available during regular business hours each weekday during the applicable period, from 9:00 a.m. to 5:00 p.m. on each Saturday during the applicable period, and from 12:00 p.m. to 4:00 p.m. on each Sunday during the applicable period. The bill removes the current provisions for voting absentee in person but retains those provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons that allow a registered voter to vote absentee by mail.

*Patron - Sullivan*

**[F]HB82 Elections; definition of "party" or "political party."** Changes the definition of "party" or "political party" to mean an organization of citizens of the Commonwealth that, at either of the two preceding statewide general elections, received at least five percent of the total vote cast for any statewide office filled in that election. Currently, to be defined as a party or political party such an organization must receive at least 10 percent of the total vote cast for any statewide office filled at either of the two preceding statewide general elections.

*Patron - Rasoul*

**[F]HB100 Elections; absentee voting by persons age 65 or older.** Entitles persons who will be age 65 or older on the date of an election for which an absentee ballot is requested to vote absentee.

*Patron - Marshall, D.W.*

**[F]HB101 Elections; early voting by persons age 65 or older.** Allows any registered voter age 65 or older to vote early in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill requires that early voting be available beginning the twenty-first day prior to any general election, the seventh day prior to any special election held on a date other than the date of a general election, and the seventh day prior to any primary election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill further requires early voting to be available during regular business hours each weekday during the applicable period, from 9:00 a.m. to 5:00 p.m. on each Saturday during the applicable period, and from 12:00 p.m. to 4:00 p.m. on each Sunday during the applicable period. The bill does not amend the current provisions for voting absentee,

including the application requirement and the list of statutory reasons that allow a registered voter to vote absentee.

*Patron - Marshall, D.W.*

**[F]HB161 Elections and terms for mayors, councils, and elected school boards of cities and towns; providing for November elections.** Requires elections for mayors, councils, and elected school boards of cities and towns to be held on the date of regular general elections in November. Currently, cities and towns have the option to elect governing bodies and school boards in May or November. The bill adjusts corresponding dates to reflect the repeal of May elections.

*Patron - Spruill*

**[F]HB235 Absentee ballots; electronic transmission by general registrars.** Provides that when a voter who is eligible to request to receive certain absentee voting materials, including the absentee ballot, by electronic transmission so requests, the email address or fax number used by the general registrars to send such materials shall be the official email address or fax number of the office of the general registrar. The bill does not provide for the return by electronic means of a voted absentee ballot.

*Patron - Sullivan*

**[F]HB237 Absentee voting by electronic means; overseas military voters.** Provides that a person qualified to vote by absentee ballot because of his status as a member of a uniformed service on active duty may choose to receive and return his absentee ballot by electronic means. The bill requires the State Board of Elections to develop standards for the secure transmission and return, storage, and processing of these ballots, including methods for authentication and the encryption of ballots. The bill has a delayed effective date of January 1, 2017.

*Patron - Lingamfelter*

**[F]HB247 Voter referendum; independent redistricting commission.** Provides for a statewide referendum on the question of whether the General Assembly should adopt a resolution to propose an amendment to the Constitution of Virginia that would establish an independent redistricting commission to create and propose redistricting plans for House of Delegates, Senate of Virginia, and congressional districts. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the manner in which electoral districts are created. The referendum would be on the ballot at the next general election at which a proposed constitutional amendment or statewide referendum is being submitted to the voters.

*Patron - Ward*

**[F]HB258 Form of ballot; party identification of candidates.** Provides that any candidate nominated by a political party or at a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices are so identified.

*Patron - LaRock*

**[F]HB292 Voter registration; preregistration for persons age 16 or older.** Permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such a person to vote in any election except as already permitted by law. The Department of Elections is required to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically

register a person who is preregistered upon that person's reaching 18 years of age.

*Patron - Herring*

**FHB303 Virginia Interim Redistricting Commission; criteria for remedial redistricting plans.** Provides for the establishment of the Virginia Interim Redistricting Commission when any congressional or state legislative district drawn as required by Article II, Section 6 of the Constitution of Virginia is declared unlawful or unconstitutional, in whole or in part, by order of any state or federal court. The Commission is tasked with determining and submitting to the General Assembly and the Governor a redistricting plan remedying such unlawful or unconstitutional district. The bill also provides criteria by which the Commission is to draw remedial districts.

*Patron - Rasoul*

**FHB370 Elections; run-off elections.** Provides that no candidate shall be deemed to have been elected at a general election to any statewide office or to the United States Senate unless such candidate receives more than 50 percent of the total votes cast for that office. The bill requires that when no candidate for an office receives more than 50 percent of the total votes cast at the general election for that office, a run-off election between the candidates receiving the highest and next-highest number of votes for that office shall be held. However, no run-off election shall be held if the total number of write-in votes cast for an office and the total number of votes cast for the candidate receiving the highest number of votes for an office together equal more than 50 percent of the total votes cast for that office. The bill requires run-off elections to be held on the fourth Tuesday following the date of the certification of the results of the general election or, if a recount is conducted after the general election, on the fourth Tuesday following the date of the certification of the results of the recount, unless the fourth Tuesday falls on a legal holiday, in which case the run-off election will be held on the sixth Tuesday. The bill provides that in all other elections, including a general election of electors for the President and Vice-President of the United States, the person having the highest number of votes for an office shall be deemed to have been elected to such office and shall receive the certificate of election. Under current law, except in the case of a recount, the person having the highest number of votes cast at any election is deemed to have been elected to that office.

*Patron - Poindexter*

**FHB375 Ballots; political party affiliation for certain local candidates.** Provides that a candidate for a local governing body who is nominated by a political party or at a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices are so identified.

*Patron - Pogge*

**FHB416 Voter registration; automatic voter registration.** Provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license, (ii) apply for, replace, or renew a special identification card, or (iii) change an address on an existing driver's license or special identification card if the Department of Motor Vehicles records indicate that he (a) is a United States citizen, (b) is 17 years of age or older, and (c) at the time of the transaction does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the

Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction and that voting more than once in any election in the same or different jurisdictions are both punishable under Virginia law as a felony. The information required to be transferred includes the person's full name, date of birth, gender, residence address, citizenship status, driver's license and social security number, and digital signature and an affirmation by the person that he meets all voter eligibility requirements. Upon receipt of the information, the Department of Elections is required to determine whether the person is already registered to vote. If the person is already registered to vote, the Department of Elections is required to take certain steps to update the voter's registration records. If the person is not already registered to vote, the Department of Elections is required to verify that the person meets all voter eligibility requirements and, if so finding, is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications.

*Patron - Bagby*

**FHB418 Elections; absentee voting; no-excuse, in-person.** Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.

*Patron - Bagby*

**FHB430 Elections; absentee voting; no-excuse, in-person.** Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.

*Patron - Villanueva*

**FHB531 Absentee voting; no-excuse in-person available 21 days prior to election.** Allows for any registered voter to vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning the twenty-first day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons.

*Patron - Murphy*

**FHB553 Congressional and state legislative districts.** Provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. The bill provides that the failure or inability to maintain strict conformance to these criteria in the drawing of any legislative or congressional district shall not be a basis for invalidating the plan establishing such district. If any legislative or congressional district is not drawn in conformance to the criteria, the bill requires that findings of fact shall be made in writing, outlining and explaining the points of non-conformance, and adopted concurrently with the adoption of the plan establishing such district.

*Patron - Minchew*

**FHB555 Congressional and state legislative districts.** Provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. Use of political data or election

results is prohibited unless necessary to determine if racial or ethnic minorities can elect candidates of their choice.

*Patron - Landes*

**[F]HB585 General registrars; appointment from adjoining locality.** Permits local electoral boards to appoint a general registrar who is a qualified voter of a county or city adjoining the county or city for which he is appointed. Current law requires the general registrar to be a qualified voter of the county or city for which he is appointed. The bill repeals the provision allowing a city electoral board to appoint a qualified voter of the county in which the city is wholly contained to serve as the city general registrar, made redundant by the provisions of the bill.

*Patron - Yost*

**[F]HB687 Campaign finance; digital currency as an accepted form of contribution.** Provides for the acceptance of contributions to a candidate, campaign committee, or political committee in the form of digital currency. The bill provides that such contributions shall be valued by the market value of the digital currency at the time the contribution is received and requires that any increase in the value of the digital currency while in the committee's designated depository be reported as interest on a campaign finance report. The bill also requires the treasurer for any campaign or political committee to sell any digital currency contributed to it and deposit the proceeds from the sale into the designated depository before the funds may be expended. The bill defines "digital currency" as money represented by digital information that is stored, spent, and transferred electronically as part of a financial transaction. All provisions governing the acceptance and reporting of contributions apply to contributions in the form of digital currency.

*Patron - Peace*

**[F]HB705 Campaign finance; campaign fundraising prohibited during certain periods.** Extends current restrictions related to campaign fundraising during regular sessions of the General Assembly to certain additional periods. The bill subjects the Governor and his campaign committee to such restrictions during the three weeks immediately following adjournment sine die of a regular session of the General Assembly and subjects members of the General Assembly and their campaign committees to such restrictions during the two weeks immediately preceding and through adjournment sine die of the reconvened session.

*Patron - McClellan*

**[F]HB744 Electoral boards and general registrars; legal defense.** Provides that an electoral board, any of its members, a general registrar, or an employee of or paid assistant to a general registrar may apply to the Virginia Division of Risk Management for legal defense if he is subpoenaed in any civil action arising out of the performance of his duties. Current law only allows such application if the officer or employee is made a defendant in such an action.

*Patron - Farrell*

**[F]HB806 Primary elections; voter registration by political party.** Adds political party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2017, will be designated as independent unless they provide a political party affiliation in writing to the general registrar. No more than one change to a voter's party affiliation or independent status on his registration record shall be permitted within a 12-month period. Voters may change their party affiliation at any time before the registration records are closed prior to an election, except that voters who are designated as independent may change their independent

designation to a political party affiliation at any point after registration records are closed prior to a primary election, including on the day of the primary. Only voters who are registered as being affiliated with the political party may participate in that party's primary.

*Patron - Lingamfelter*

**[F]HB890 Candidates; filing of statements of economic interests.** Clarifies that candidates for statewide office, the General Assembly, and constitutional office are required to file a statement of economic interests with the Virginia Conflict of Interest and Ethics Advisory Council. The bill also requires the Council to transmit certain information related to such candidates to the State Board of Elections and updates language to reflect the change from annual to semiannual disclosures. This bill was incorporated into HB 1362.

*Patron - Gilbert*

**[F]HB899 Elections; early voting by persons age 65 or older.** Allows any registered voter age 65 or older to vote early in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill requires that early voting be available beginning the twenty-first day prior to any general election, the seventh day prior to any special election held on a date other than the date of a general election, and the seventh day prior to any primary election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill further requires early voting to be available during regular business hours each weekday during the applicable period, from 9:00 a.m. to 5:00 p.m. on each Saturday during the applicable period, and from 12:00 p.m. to 4:00 p.m. on each Sunday during the applicable period. The bill does not amend the current provisions for voting absentee, including the application requirement and the list of statutory reasons that allow a registered voter to vote absentee.

*Patron - Toscano*

**[F]HB914 Campaign finance; fundraising during special sessions prohibited.** Prohibits campaign fundraising on and after the first day of a special session of the General Assembly through adjournment sine die of that session. Currently, campaign fundraising is prohibited only during regular sessions of the General Assembly.

*Patron - Toscano*

**[F]HB931 Campaign finance; certain contributions prohibited.** Prohibits any corporation that has not established and is not acting as a political action committee from making any contribution to a candidate or campaign committee. The bill prohibits candidates and campaign committees from soliciting or accepting any contributions from such corporations. The bill defines "corporation" as any corporation organized under the laws of the United States, the Commonwealth, or any other state, regardless of whether the corporation does business in the Commonwealth.

*Patron - Simon*

**[F]HB937 Vote centers; pilot program.** Authorizes the State Board of Elections to conduct a pilot program under which one or more counties or cities whose plan for participation in the pilot program is unanimously approved by the State Board would be permitted to use vote centers in the June primary elections. The governing body of a county or city applying to participate in the pilot program is required to submit a plan for participation that includes (i) the number of vote center precincts to be established in the county or city and the boundaries of such precincts and (ii) the number of vote centers to be established in each vote center precinct and the location of each such vote center. The bill defines "vote center precinct" to mean the territory established by a county or city

pursuant to the pilot program, to be served by one or more vote centers; "vote center" is defined to mean the structure at which any qualified voter who is a resident of the vote center precinct may vote in a June primary election. The bill contains requirements for a minimum number of vote centers based on the number of registered voters in a vote center precinct and the size of the vote center precinct. The State Board is directed to publish a report on the implementation and effectiveness of the pilot program. The provisions of the bill expire on December 31, 2020.

*Patron - Wilt*

**[F]HB993 Voter registration; preregistration for persons age 16 or older.** Permits a person who is otherwise qualified to register to vote and is 16 years of age or older, but who will not be 18 years of age on or before the day of the next general election, to preregister to vote. The preregistration does not entitle such a person to vote in any election except as already permitted by law. The Department of Elections is required to maintain a record of all preregistered voters in the Virginia voter registration system, which shall automatically register a person who is preregistered upon that person's reaching 18 years of age.

*Patron - Lopez*

**[F]HB1002 Voter registration; automatic voter registration.** Provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license, (ii) apply for, replace, or renew a special identification card, or (iii) change an address on an existing driver's license or special identification card if the Department of Motor Vehicles records indicate that he (a) is a United States citizen, (b) is 17 years of age or older, and (c) at the time of the transaction does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be presented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction and that voting more than once in any election in the same or different jurisdictions are both punishable under Virginia law as a felony. The information required to be transferred includes the person's full name, date of birth, gender, residence address, citizenship status, driver's license and social security number, and digital signature and an affirmation by the person that he meets all voter eligibility requirements. Upon receipt of the information, the Department of Elections is required to determine whether the person is already registered to vote. If the person is already registered to vote, the Department of Elections is required to take certain steps to update the voter's registration records. If the person is not already registered to vote, the Department of Elections is required to verify that the person meets all voter eligibility requirements and, if so finding, is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications.

*Patron - Levine*

**[F]HB1003 Voting systems; voter-verifiable paper record.** Requires any electronic voting system approved by the State Board of Elections to retain each paper ballot cast or to produce a voter-verifiable paper record of each ballot cast that is available for inspection and verification by the voter at the time the ballot is cast. The bill defines a "voter-verifiable paper record" to mean a tangible record of the ballot cast by the voter

that is printed on paper and is physically separate from any other similar document. For purposes of sealing and delivering to clerks of the circuit courts and retention by the clerks, such paper records are treated in the same manner as counted ballots.

*Patron - Levine*

**[F]HB1004 Provisional voting; voter photograph taken at polling place.** Provides that a voter who does not have one of the forms of identification required by law shall be permitted to vote provisionally, in which case he shall have his photograph taken by an officer of election. That photograph shall be transmitted to the electoral board, and no further action by the voter is required. If the electoral board determines that the voter was a qualified voter in the precinct in which he cast the provisional vote and confirms that a photograph of him taken by an officer of election has been received, the voter's provisional vote is required to be counted.

*Patron - Levine*

**[F]HB1027 Special elections; quarterly schedule; exception.** Requires special elections to be held on the Tuesday following the first Monday in February, August, or November, or the first Tuesday in May. The bill exempts from the quarterly schedule those special elections held to fill vacancies in the General Assembly that exist after the date of the November general election but before the second Wednesday in January; such vacancies are permitted to be filled at a special election held on any date, provided the date is a Tuesday and the writ otherwise complies with current law. The bill amends the deadlines for filing declarations and petitions of candidacy to reflect the quarterly schedule for special elections.

*Patron - Sickles*

**[F]HB1033 Absentee voting; emergency voting.** Provides the process by which a qualified voter is permitted to vote by an absentee ballot when an emergency either prevented him from applying for an absentee ballot by the deadline or will prevent him from voting in person on election day. The bill consolidates current sections regarding emergency absentee voting into one section. The bill also provides for the Commissioner of Elections to take administrative action to facilitate absentee voting by those persons providing emergency or other services in an area in which a state of emergency has been declared.

*Patron - Sickles*

**[F]HB1037 Voting systems; use of direct recording electronic machines.** Prohibits the use of direct recording electronic machines (DREs) in elections on and after July 1, 2017. The governing bodies of counties and cities have been prohibited from acquiring DREs for use in elections since July 1, 2007, but under current law the use of previously acquired DREs is permitted for the remainder of their useful life. The bill also removes references to DREs in other sections and makes technical amendments to terminology.

*Patron - Rasoul*

**[F]HB1040 Elections; voter-nominated primary elections.** Establishes a voter-nominated primary election for the offices of Governor, Lieutenant Governor, and Attorney General and for the General Assembly and the United States Senate and House of Representatives. A voter-nominated primary election is an election held for the purpose of selecting candidates to be on the ballot at a general election. All candidates, regardless of political party affiliation, are on a single ballot. The two candidates receiving the highest and next highest number of votes are the candidates for that office at the general election. The political parties may not select to nominate candidates for these offices by any nominating method, but are

permitted to otherwise contribute to, endorse, or support a candidate for these offices.

*Patron - Rasoul*

**[F]HB1181 Electoral college; allocation of electoral votes.** Revises the process by which the Commonwealth's electoral votes are allocated among the slates of presidential electors. The bill provides that a voter will vote for two electors for the Commonwealth at large and one elector for the congressional district in which he is qualified to vote. The candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the two electoral votes for the Commonwealth at large, and the candidates for President and Vice President receiving the highest number of votes cast in each congressional district are allocated the one electoral vote for that congressional district. Currently, the candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the total number of the Commonwealth's electoral votes.

*Patron - Minchew*

**[F]HB1183 Method of nominating party candidates; incumbent selection.** Removes the power of incumbent officeholders in some cases to insist on a primary as the method of nominating political party candidates and removes the power of General Assembly incumbents seeking reelection to determine the method of nomination. The bill does not affect the current power of duly constituted authorities of the political party to determine the method of nominating party candidates.

*Patron - Freitas*

**[F]HB1216 Elections; absentee voting by persons age 65 or older.** Entitles persons who will be age 65 or older on the date of an election for which an absentee ballot is requested to vote absentee.

*Patron - Aird*

**[F]HB1336 Requirements for precincts; number of voters.** Requires that the establishment of precincts be based on the number of registered voters with active status. Currently, precincts are established on the basis of the number of registered voters.

*Patron - Mason*

**[F]SB31 Virginia Interim Redistricting Commission; criteria for remedial redistricting plans.** Provides for the establishment of the Virginia Interim Redistricting Commission when any congressional or state legislative district drawn as required by Article II, Section 6 of the Constitution of Virginia is declared unlawful or unconstitutional, in whole or in part, by order of any state or federal court. The Commission is tasked with determining and submitting to the General Assembly and the Governor a redistricting plan remedying such unlawful or unconstitutional district. The bill also provides criteria by which the Commission is to draw remedial districts.

*Patron - Lucas*

**[F]SB59 Congressional and state legislative districts.** Provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. Use of political data or election results is prohibited unless necessary to determine if racial or ethnic minorities are able to elect candidates of their choice. This bill incorporates SB 495.

*Patron - Howell*

**[F]SB62 Electoral College; allocation of electoral votes.** Revises the process by which the Commonwealth's electoral votes are allocated among the slates of presidential electors

from a winner-take-all basis to a proportional allocation basis, calculated by (i) first dividing the total number of votes cast for all slates of electors by the number of electoral votes to which Virginia is entitled by virtue of its representation in Congress, yielding a quotient called the Popular Vote Value, and (ii) then dividing the total number of votes cast for each slate of presidential electors by the Popular Vote Value. The result of the calculation in clause (ii), rounded to the nearest whole number, for each slate of electors is the number of electoral votes allocated to that slate of electors.

*Patron - Carrico*

**[F]SB68 Elections; absentee voting by persons age 65 or older.** Entitles persons who will be age 65 or older on the date of an election for which an absentee ballot is requested to vote absentee. This bill was incorporated into SB 188.

*Patron - Wexton*

**[F]SB84 Absentee voting; postage prepaid on return envelope.** Requires the envelope provided to the voter for the return of the absentee ballot to include prepaid postage.

*Patron - Favola*

**[F]SB106 Elections; absentee voting; no-excuse, in-person.** Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.

*Patron - Dance*

**[F]SB143 Elections; absentee voting by persons age 65 or older.** Entitles persons who will be age 65 or older on the date of an election for which an absentee ballot is requested to vote absentee. This bill was incorporated into SB 188.

*Patron - Edwards*

**[F]SB188 Elections; absentee voting by persons age 65 or older.** Entitles persons who will be age 65 or older on the date of an election for which an absentee ballot is requested to vote absentee. This bill incorporates SB 68, SB 143, and SB 320.

*Patron - Miller*

**[F]SB191 Voter referendum; independent redistricting commission.** Provides for a statewide referendum on the question of whether the General Assembly should adopt a resolution to propose an amendment to the Constitution of Virginia that would establish an independent redistricting commission to create and propose redistricting plans for House of Delegates, Senate of Virginia, and congressional districts. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on the manner in which electoral districts are created. The referendum would be held at the November 2016 general election.

*Patron - Miller*

**[F]SB222 Voter registration; automatic voter registration.** Provides for the automatic electronic transmission by the Department of Motor Vehicles to the Department of Elections of certain information for any person coming into an office of the Department of Motor Vehicles or accessing its website in order to (i) apply for, replace, or renew a driver's license, (ii) apply for, replace, or renew a special identification card, or (iii) change an address on an existing driver's license or special identification card if the Department of Motor Vehicles records indicate that he (a) is a United States citizen, (b) is 17 years of age or older, and (c) at the time of the transaction does not decline to have his information transmitted to the Department of Elections for voter registration purposes. The option to decline to have his information so transmitted shall be pre-

sented at the time of one of the specified transactions with the Department of Motor Vehicles and shall be accompanied by a warning that intentionally making a materially false statement during the transaction and that voting more than once in any election in the same or different jurisdictions are both punishable under Virginia law as a felony. The information required to be transferred includes the person's full name, date of birth, gender, residence address, citizenship status, driver's license and social security number, and digital signature and an affirmation by the person that he meets all voter eligibility requirements. Upon receipt of the information, the Department of Elections is required to determine whether the person is already registered to vote. If the person is already registered to vote, the Department of Elections is required to take certain steps to update the voter's registration records. If the person is not already registered to vote, the Department of Elections is required to verify that the person meets all voter eligibility requirements and, if so finding, is required to transmit the information to the appropriate general registrar. The bill repeals the requirement that the Department of Motor Vehicles offer, accept, receive, and send voter registration applications.

*Patron - McEachin*

**[F]SB303 State Board of Elections; meetings to hear complaints.** Requires the State Board of Elections to meet on the Tuesday immediately preceding any election to hear and consider action on any complaints received by the Department of Elections. The bill also authorizes the State Board to conduct a subsequent meeting, upon the call of the chair or the call of two members, to hear any new complaints. Such meeting shall be held no later than the Friday immediately preceding the election and notice shall be posted on the official website of the Department of Elections no later than 24 hours prior to the meeting. The State Board may refer any complaint to the Attorney General for investigation and prosecution.

*Patron - Ebbin*

**[F]SB320 Elections; absentee voting by persons age 65 or older.** Entitles persons who will be age 65 or older on the date of an election for which an absentee ballot is requested to vote absentee. This bill was incorporated into SB 188.

*Patron - Barker*

**[F]SB490 Uniform Military and Overseas Voters Act; applying for and casting military-overseas ballots.** Provides that any active duty member of a uniformed service who has been called to duty for deployment to a combat zone shall be permitted to use his digital signature associated with his Common Access Card issued by the U.S. Department of Defense to sign his application for a military-overseas ballot, the statement of voter accompanying his cast military-overseas ballot, and any other related documents. The bill also requires the system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information to be capable of accepting the submission of voted military-overseas ballots cast by an active duty member of a uniformed service who has been called to duty for deployment to a combat zone.

*Patron - DeSteph*

**[F]SB495 Congressional and state legislative districts.** Provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. Use of political data or election results is prohibited unless necessary to determine if racial or ethnic minorities can elect candidates of their choice. This bill was incorporated into SB 59.

*Patron - Sturtevant*

**[F]SB519 Campaign finance; campaign fundraising during special and reconvened sessions prohibited.** Prohibits campaign fundraising on and after the first day of a special session of the General Assembly through adjournment sine die of that session, including any ensuing reconvened session. Currently, campaign fundraising is prohibited from the first day through adjournment sine die of regular sessions of the General Assembly, and the definition of "adjournment sine die" specifically excludes the ensuing reconvened sessions.

*Patron - McPike*

**[F]SB593 Campaign finance; campaign fundraising prohibited during certain periods.** Extends current restrictions related to campaign fundraising during regular sessions of the General Assembly to certain additional periods. The bill subjects the Governor and his campaign committee to such restrictions during the three weeks immediately following adjournment sine die of a regular session of the General Assembly and subjects members of the General Assembly and their campaign committees to such restrictions during the two weeks immediately preceding and through adjournment sine die of the reconvened session.

*Patron - McEachin*

**[F]SB603 Absentee voting; no-excuse in-person available 21 days prior to election.** Allows for any registered voter to vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning the twenty-first day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons.

*Patron - Howell*

**[F]SB672 Redistricting process.** Provides a new method for the preparation of state legislative and congressional redistricting plans; spells out standards for developing plans, including population equality, compactness, maintenance of cores of existing districts, and respect for locality boundaries; precludes consideration of incumbency and political data in developing plans; assigns responsibility to the Division of Legislative Services to prepare plans for submission to the General Assembly; and establishes a temporary redistricting advisory commission to advise the Division, disseminate information on plans, and hold hearings for public reaction to plans. The General Assembly may reject the Division's plans and may ultimately amend the plans. This bill is patterned after the Iowa redistricting process.

*Patron - Lewis*

**[F]SB686 Presidential primary; voter pledge prohibited; emergency.** Prohibits a political party holding a presidential primary from requiring voters to sign any pledge when offering to vote in that primary. Current law allows the political party to determine the requirements for participation in its primary, including the requirement that a voter sign a pledge of his intention to support the party's candidate. The bill contains an emergency clause.

*Patron - Petersen*

**[F]SB766 Method of nominating party candidates; incumbent selection.** Removes the power of incumbent officeholders in some cases to insist on a primary as the method of nominating political party candidates and removes the power of General Assembly incumbents seeking reelection to determine the method of nomination. The bill does not affect the



current power of duly constituted authorities of the political party to determine the method of nominating party candidates.

*Patron - Suetterlein*

**[F]SB770 Compactness standard for congressional and state legislative districts.** Requires congressional and legislative districts to be composed of compact territory, meaning districts are not to be oddly shaped or have irregular or contorted boundaries, unless justified because the district adheres to political subdivision lines. Fingers or tendrils extending from a district core are to be avoided, in addition to thin and elongated districts and districts with multiple core populations connected by thin strips of land or water. The General Assembly is required to employ one or more standard numerical measures of individual and average district compactness to provide an objective assessment of a districting plan's compactness, both statewide and district by district.

*Patron - Suetterlein*

**[F]SB772 Officers of elections; State Board to provide training online.** Requires the State Board of Elections to provide on the Department of Elections website a training course for officers of election and requires the electoral boards to ensure that each officer of election has completed the online training course not less than three days before each November general election. The electoral boards are still responsible for training chief and assistant chief officers of election and certifying to the State Board that such training has been conducted. This bill was incorporated into SB 574.

*Patron - Ebbin*

## Carried Over

**[C]HB6 Campaign Finance Disclosure Act; unlawful conversion of political contributions to personal use; penalty.** Prohibits any person from converting any moneys, securities, or like intangible personal property that has been contributed to a candidate, a campaign committee, or a political committee to his personal use or the personal use of any other person. A contribution is considered to be converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense not related to the ordinary and necessary expenses related to seeking, holding, or maintaining public office or carrying out the ordinary activities of the committee. The bill provides that a violation of the prohibition is a Class 1 misdemeanor. Current law prohibits such conversion of contributions to personal use specifically with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill also requires the State Board of Elections to provide, upon request, formal advisory opinions regarding the permitted and prohibited uses of contributions and publish such opinions on the Department of Elections website.

*Patron - Simon*

**[C]HB1121 Absentee voting; signature requirement; verification of signatures by officers of elections.** Requires the officers of elections to compare the signature on an absentee ballot envelope with the signature on that voter's voter registration application. Three officers, including one representative of each political party, are required to agree that the signatures match in order for the absentee ballot to be accepted. If less than three agree, the ballot is given provisional status and the electoral board makes the final determination of its validity. Notice by certified mail is required to be given to the voter. The bill also requires absentee ballot applications to be signed by the applicant's own handwriting or by electronic means, if such electronic signature is created by using a cursor,

stylus, or similar device moved by the applicant to capture his signature. Any application signed by any other means shall be rejected.

*Patron - Anderson*

**[C]HB1363 Removal of certain local officers; petition requirements.** Clarifies that the petition to remove a county supervisor, city council member, or member of a school board shall contain the signatures of a number of registered voters who reside within the jurisdiction of such officer equal to 10 percent of the amount that results when the total number of votes cast at the last election for the board or council is divided by the number of officers elected to the board or council at that election.

*Patron - Simon*

**[C]HB1379 Voter list maintenance; use of information received through certain list comparisons and data matching exchanges with other states.** Requires the information received through the Electronic Registration Information Center (ERIC) and the Interstate Voter Registration Crosscheck Program to be used as part of the regular periodic review of registration records conducted by the Department of Elections. Within seven days of receiving information from these programs, the Department of Elections is required to send that information to the general registrars. Within 21 days of receiving that information from the Department of Elections, the general registrars are required to send notice to the voters by forwardable mail along with a postage prepaid, pre-addressed return card for correcting or verifying the information. The bill also requires Virginia, through the Department of Elections, to have active and continuous participation in ERIC and the Interstate Voter Registration Crosscheck Program.

*Patron - LeMunyon*

**[C]HB1380 Absentee voting; electronic signatures prohibited on certain applications for absentee ballots.** Provides that an application for an absentee ballot that requests that the ballot be sent to an address in the United States must be signed in the applicant's own handwriting.

*Patron - LeMunyon*

**[C]SB69 Voter identification; accepted forms of identification.** Adds to the list of accepted forms of identification for purposes of voting a valid identification card that contains a photograph of the voter and is issued by any private entity that is licensed or certified, in whole or in part, by the State Department of Health, the Department of Social Services, the Department of Medical Assistance Services, or the Department of Behavioral Health and Developmental Services. An employee of any such private entity is currently permitted to use his employee identification card, provided that the card contains a photograph of the voter, for purposes of voting; the bill allows a resident or other person who receives services from such private entity to use a valid identification card issued by the private entity, provided that the card contains a photograph of the voter.

*Patron - Wexton*

**[C]SB439 Voter identification; photograph and identifying information contained in electronic pollbook; challenge of voter.** Requires electronic pollbooks to contain a photograph and identifying information received by the Department of Elections from the Department of Motor Vehicles for each registered voter for whom the Department of Motor Vehicles has such a photograph and identifying information. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph or identifying physical information. The bill also provides that if the electronic pollbook contains the voter's photograph and identifying



information, the officer of election is required to access that photograph and identifying information and the voter is not required to present one of the statutorily required forms of identification. However, the bill requires the officer of election to challenge the voter's vote if the voter does not appear to be the same person depicted in the photograph or in the pollbook. The bill has a delayed effective date of July 1, 2017.

*Patron - Obenshain*

**CSB650 Voter registration by political party affiliation; primary elections.** Adds party affiliation, beginning January 1, 2017, to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2017, will be designated as independent unless they provide a political party designation in writing to the general registrar. Voters may change their party affiliation or independent status by written notice at any time before the registration records are closed prior to an election. The state party chairman of each political party must notify the State Board of Elections by January 31 of each year of the rules adopted by the duly constituted authorities of the state political party governing who may participate in the party's primaries held from April 1 of that year through March 31 of the following year.

*Patron - Cosgrove*

**CSB723 Campaign finance; contributions from out-of-state sources prohibited.** Prohibits any candidate for the General Assembly or his campaign committee from soliciting or accepting a contribution from any person, corporation, campaign committee, political committee, out-of-state political committee, or federal political action committee who resides or whose headquarters is located outside of the Commonwealth. This prohibition applies regardless of whether the entity has registered with the State Board of Elections or operates or does business in the Commonwealth.

*Patron - Chase*

## Eminent Domain

### Passed

**PSB109 Commissioners in eminent domain proceedings.** Requires commissioners in eminent domain proceedings to be summoned at least 30 days prior to service. Under current law, such summons is required at least one week prior to service.

*Patron - Petersen*

**PSB478 Eminent domain; reimbursement of costs.** Provides that costs and fees may be awarded in condemnation actions where the amount the owner is awarded at trial as compensation for the taking of or damage to his property is 25 percent or more greater than the amount of the condemnor's initial written offer. Under current law, such costs and fees may be awarded if the amount awarded as compensation at trial is 30 percent or more greater than the petitioner's final offer. The bill removes an exception for meeting the requirements for payment of costs and fees for condemnation actions involving easements valued at less than \$10,000 and adds an exception for public service companies, public service corporations, and railroads that have been delegated the power of eminent domain.

The bill also replaces the word "petitioner" with "condemnor" in the provision of the Code allowing the court to award costs

and fees and allows the court to order the condemnor to pay to the owner reasonable fees and travel costs incurred by the owner for up to three experts, or as many as called by the condemnor, whichever is greater, who testified at trial.

The provisions of the bill do not apply to condemnation proceedings in which the petitioner filed, prior to July 1, 2016, a petition in condemnation or a certificate of take or deposit.

*Patron - Obenshain*

**PSB543 Inverse condemnation proceeding; reimbursement of owner's costs.** Directs the court to reimburse a plaintiff for the costs of an inverse condemnation proceeding for "damaging" property if a judgment is entered for the plaintiff. Under current law, the court is directed to award costs only for the "taking" of property. The change made in this bill corresponds with the language of amendments to Article I, Section 11 of the Constitution of Virginia, which became effective on January 1, 2013. The provisions of the bill do not apply to declaratory judgment proceedings filed prior to July 1, 2016.

*Patron - Obenshain*

## Financial Institutions and Services

### Passed

**PHB123 Mortgage loan applications.** Deletes the requirement that a residential mortgage lender's or broker's disclosure statement state that all the loan terms not legally locked in are subject to change until settlement and qualifies the requirement to describe when the interest, points, and fees will be locked in to those loans for which such terms will be locked in. The measure will conform disclosure statement requirements to a federal rule that, effective October 3, 2015, requires that closing disclosures that reflect the actual loan terms be provided to the consumer no later than three business days before consummation of the loan.

*Patron - Marshall, D.W.*

**PHB124 Mortgage lenders and mortgage brokers; licenses; reports.** Provides that mortgage company and branch licenses issued by the State Corporation Commission expire at the end of each calendar year, unless renewed. The measure provides a process for license renewals and the reinstatement of a mortgage lender or mortgage broker whose license has expired. The measure also replaces the annual reporting requirement with a requirement that licensees file periodic reports with the Commissioner of Financial Institutions or the Nationwide Mortgage Licensing System and Registry.

*Patron - Marshall, D.W.*

**PHB125 Mortgage loan originators; inactive licenses.** Authorizes the State Corporation Commission (SCC) to issue an inactive mortgage loan originator license to an individual who has satisfied all requirements for licensure except those pertaining to his surety bond. Similarly, the measure authorizes the SCC to renew, on an inactive basis, the mortgage loan originator license of an individual who has satisfied all requirements for license renewal except those pertaining to his surety bond. A licensee with an inactive license is prohibited from engaging in the business of a mortgage loan originator until the SCC determines that the bonding requirements have been satis-

fied and has updated his status in the Nationwide Mortgage Licensing System and Registry.

*Patron - Marshall, D.W.*

**[P]HB874 Credit unions; voluntary mergers.** Authorizes the State Corporation Commission (SCC), notwithstanding field of membership requirements, to approve a merger of two Virginia state-chartered credit unions if (i) at least one of the merging credit unions has fewer than 35,000 active members and (ii) neither of the merging credit unions has been a party to a merger pursuant to this exemption within the preceding 24 months. The field of membership of the surviving credit union may be composed of a combination of the fields of membership of the merging credit unions. This bill is identical to SB 582.

*Patron - Habeeb*

**[P]HB968 Mortgage lenders and mortgage brokers; posting license.** Eliminates the requirement that a licensed mortgage lender or mortgage broker prominently post his license in each office of the licensee. The measure requires such a licensee to display proof of licensing upon request and to prominently display at any location where the licensee conducts business in person with a borrower or prospective borrower the telephone number and website address for the State Corporation Commission where borrowers and prospective borrowers may confirm the status of his license.

*Patron - Davis*

**[P]SB374 Financial institutions; references to federal law.** Updates references to the Federal Reserve Board and its regulations that were made obsolete by the federal Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, which, among other changes, transferred rulemaking authority under the Truth in Lending Act and the Electronic Fund Transfers Act to the Consumer Financial Protection Bureau.

*Patron - Chafin*

**[P]SB582 Credit unions; voluntary mergers.** Authorizes the State Corporation Commission (SCC), notwithstanding field of membership requirements, to approve a merger of two Virginia state-chartered credit unions if (i) at least one of the merging credit unions has fewer than 35,000 active members and (ii) neither of the merging credit unions has been a party to a merger pursuant to this exemption within the preceding 24 months. The field of membership of the surviving credit union may be composed of a combination of the fields of membership of the merging credit unions. This bill is identical to HB 874.

*Patron - Stanley*

## Failed

**[F]HB45 Payday loan offices and motor vehicle title loan offices; distance from casino facility.** Prohibits the State Corporation Commission (SCC) from issuing a license for the operation of a payday lending office or motor vehicle title lending office if such office is within 20 miles of a casino facility located in any state. Casino facilities include Indian gaming operations conducted pursuant to the federal Indian Gaming Regulatory Act. The measure includes limitations on the SCC's authority to revoke or suspend an existing license when a violation of the 20-mile provision exists on July 1, 2016, or when a violation would be created by the opening of a casino facility after a license was issued.

*Patron - Krizek*

**[F]HB103 Consumer finance loans; rate of interest.** Caps the maximum rate of interest that a licensed consumer finance company may charge on any loan at 36 percent annually. The measure eliminates the existing provision that permits such licensees to charge any agreed-upon amount of interest on consumer finance loans over \$2,500.

*Patron - Rasoul*

**[F]HB250 Consumer loans; interest rate limits and lending practices.** Caps the rate of interest that may be charged on motor vehicle title loans, consumer finance company loans, payday loans, and open-end credit plans at 36 percent per year. The measure prohibits a lender from charging a membership fee, participation fee, or transaction fee in connection with any such extension of credit. The measure also prohibits a person making such a loan from (i) conditioning the making of the loan on the consumer's use of preauthorized transfers; (ii) making such a loan pursuant to an agreement under which the consumer permits the lender to access the consumer's account through preauthorized transfers; (iii) using an electronic check conversion transaction as a method of receiving a payment or collecting any amount due in connection with a loan; (iv) making such a loan with terms and conditions that, if the consumer was a covered member of the armed forces or a dependent of such a member, would violate the Military Lending Act; or (v) restricting the authority of the consumer to disclose to any person the provisions of any loan agreement.

*Patron - Minchew*

**[F]HB391 Motor vehicle title loan offices; distance from military base.** Prohibits the State Corporation Commission from issuing a license for the operation of a motor vehicle title loan office if such office is within 10 miles of a military base.

*Patron - Krizek*

**[F]HB634 Payday loan offices and motor vehicle title-loan offices; distance from military installation.** Prohibits the State Corporation Commission (SCC) from issuing a license for the operation of a payday lending office or motor vehicle title lending office if such office is within five miles of a military installation. The measure includes limitations on the SCC's authority to revoke or suspend an existing license when a violation of the five-mile provision exists on July 1, 2016, or when a violation would be created by the opening of a military installation after a license was issued.

*Patron - Bell, John J.*

**[F]HB677 Security freezes; fee exemption.** Exempts a consumer 65 years of age or older, or his agent, from being required to pay a fee to place a security freeze on the consumer's credit report. Currently, a consumer may be required to pay a fee of no more than \$10 to place a security freeze on his credit report. Victims of identity theft are currently exempt from the fee.

*Patron - Peace*

**[F]HB871 Virginia Security for Public Deposits Act; State Treasurer; qualified public depository; credit unions.** Adds credit unions as a qualified public depository for state funds. The bill also authorizes moneys to be paid into the state treasury to be deposited in credit unions.

*Patron - Habeeb*

**[F]HB974 Open-end credit agreements.** Allows only a seller of goods to extend credit under an open-end credit agreement at such interest rates as the seller and borrower agree, provided that a finance charge is not imposed if payment in full of the unpaid balance is received prior to the next billing date that follows a 25-day grace period. To extend credit under such

an agreement, the loan must be for the sole purpose of financing the bona fide purchase price of goods used for personal, family, or household purposes. Currently, any lender may make such loans under an open-end credit plan. The measure prohibits sellers of such goods under an open-end credit agreement from engaging in the extension of credit under any other chapter of Title 6.2. The measure provides that licensed consumer finance companies may not make loans under such open-end credit agreements. The measure does not prohibit the collection of an outstanding loan made prior to the measure's effective date.

*Patron - Yancey*

**[F]HB1075 Consumer finance loans; rate of interest.** Caps the maximum rate of interest that a licensed consumer finance company may charge on any loan at 36 percent annually. The measure eliminates the existing provision that permits such licensees to charge any agreed-upon amount of interest on consumer finance loans over \$2,500. The measure also limits the late charge that a licensee may charge to the greater of \$20 or five percent of the unpaid installment. Currently, such late charges may not exceed five percent of the unpaid installment. Finally, the measure extends the grace period that must elapse before a late charge may be assessed from seven to 10 calendar days. The measure does not prohibit the collection of an outstanding loan made prior to the measure's effective date.

*Patron - Yancey*

**[F]HB1124 Consumer finance companies.** Eliminates the requirement that the location at which a consumer finance company is licensed to conduct business be within the Commonwealth. A licensed consumer finance lender may change the location of its place of business to a location outside of the Commonwealth with the approval of the State Corporation Commission, which shall not be denied unless the licensee does not have the required liquid assets or has not conducted business efficiently, fairly, in the public interest, and in accordance with law. The measure deletes the requirement that the signatures of the borrower or, if the borrower is married, of both the borrower and the borrower's spouse, on chattel mortgages or other liens on household furniture be made in person. Finally, the measure deletes the requirement that the amount of a loan secured by an assignment of wages or other compensation be paid to the borrower simultaneously with the execution of the assignment instrument.

*Patron - Kilgore*

**[F]HB1324 Maximum interest and fees on loans.** Caps the amount of fees and interest that a lender may collect on a payday loan, car title loan, open-end credit plan loan, and consumer finance loan at 500 percent of the principal loan amount.

*Patron - Bagby*

**[F]HB1366 Motor vehicle title loans and payday loans; military personnel.** Conforms provisions that prohibit lenders from making payday loans or motor vehicle title loans to covered members of the armed forces, persons on active guard or reserve duty, and dependents of such persons. The bill expands these prohibitions to include loans to members of the Virginia National Guard not on active duty and their dependents.

*Patron - Kory*

**[F]SB8 Payday loan offices and motor vehicle title loan offices; distance from casino facility.** Prohibits the State Corporation Commission (SCC) from issuing a license for the operation of a payday lending office or motor vehicle title lending office if such office is within 20 miles of a casino facility located in any state. Casino facilities include Indian gaming operations conducted pursuant to the federal Indian Gaming

Regulatory Act. The measure includes limitations on the SCC's authority to revoke or suspend an existing license when a violation of the 20-mile provision exists on July 1, 2016, or when a violation would be created by the opening of a casino facility after a license was issued.

*Patron - Ebbin*

**[F]SB54 Payday loans; permitted interest.** Removes provisions of the Payday Loan Act that authorize lenders to charge a loan fee or verification fee, thereby limiting permissible charges on payday loans to interest at a maximum annual rate of 36 percent.

*Patron - Locke*

**[F]SB164 Consumer finance loans; rate of interest.** Caps the maximum rate of interest that a licensed consumer finance company may charge on any loan at 36 percent annually. The measure eliminates the existing provision that permits such licensees to charge any agreed-upon amount of interest on consumer finance loans over \$2,500. The measure also limits the late charge that a licensee may charge to the lesser of \$20 or five percent of the unpaid installment. Currently, such late charges may not exceed five percent of the unpaid installment. Finally, the measure extends the grace period that must elapse before a late charge may be assessed from seven to 10 calendar days.

*Patron - Surovell*

**[F]SB165 Open-end credit agreements.** Allows only sellers of goods to be used for personal, family, or household purposes to extend credit under an open-end credit agreement. Such extensions of credit may be made only to the purchaser of the goods for the sole purpose of financing the bona fide purchase price of such goods.

*Patron - Surovell*

**[F]SB166 Motor vehicle title lenders; consumer finance companies.** Narrows the exemption for consumer finance companies from laws regulating motor vehicle title lenders. The bill subjects a consumer finance company to provisions governing business methods, interest and other charges, monthly payments, loan terms, limited recourse, repossession and sale of a motor vehicle, and advertising if the company makes a loan that is (i) secured by a non-purchase money security interest in a motor vehicle and (ii) offered or made at an office, suite, room, or other place of business where a licensed motor vehicle title lender conducts the business of making motor vehicle title loans.

*Patron - Surovell*

**[F]SB167 Consumer finance companies; annual reports.** Requires any consumer finance company that shares a location with a licensed motor vehicle title lender to file an annual report with the State Corporation Commission (SCC) that provides (i) information on the number of motor vehicles repossessed by the consumer finance company following a loan default by the borrower and (ii) the same types of information that the licensed motor vehicle title lender is required to include in its annual report to the SCC.

*Patron - Surovell*

**[F]SB189 Payday loans; permitted interest.** Removes provisions of the Payday Loan Act that authorize lenders to charge a loan fee or verification fee, thereby limiting permissible charges on payday loans to interest at a maximum annual rate of 36 percent.

*Patron - Miller*

**[F]SB583 Credit unions.** Adds credit unions as a qualified public depository for state funds. The bill also authorizes

moneys to be paid into the state treasury to be deposited in credit unions.

*Patron - Stanley*

**[F]SB604 Student loan servicers; student loan ombudsman.** Prohibits any person from acting as a student loan servicer without first obtaining a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks and credit unions are exempt from the licensing provisions. The servicing of a student loan encompasses (i) receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan; (ii) applying the payments of principal and interest and such other payments with respect to the amounts received from a student loan borrower, as may be required pursuant to the terms of a student education loan; and (iii) performing other administrative services with respect to a student education loan. Student loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a student loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying student loan payments to the outstanding balance of a student loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. The measure also establishes the Office of the Student Loan Ombudsman within the SCC's Bureau of Financial Institutions. The Office of the Student Loan Ombudsman is required to provide timely assistance to any student loan borrower of any student education loan in the Commonwealth. The Office of the Student Loan Ombudsman is further required to establish and maintain a student loan borrower education course, which shall cover key loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan forgiveness, and disclosure requirements. The bill has a delayed effective date of October 1, 2016.

*Patron - Howell*

**[F]SB623 Consumer finance loans; rate of interest.** Caps the maximum rate of interest that a licensed consumer finance company may charge on any loan at 36 percent annually. The measure eliminates the existing provision that permits such licensees to charge any agreed-upon amount of interest on consumer finance loans over \$2,500.

*Patron - Locke*

## Carried Over

**[C]HB346 Consumer finance companies; motor vehicle title loans.** Prohibits any consumer finance company from making loans secured by a non-purchase money security interest in a motor vehicle at any location where a motor vehicle title lender is authorized to conduct business. Any loan contract made by a consumer finance company that violates this prohibition shall be unenforceable against the borrower. The measure also deletes an exception to the limits on the interest rate that may be charged when a consumer finance lender makes a motor vehicle title loan.

*Patron - Farrell*

**[C]HB401 Student loan servicers; student loan ombudsman.** Prohibits any person from acting as a student loan servicer without first obtaining a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks and credit unions are exempt

from the licensing provisions. The servicing of a student loan encompasses (i) receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan; (ii) applying the payments of principal and interest and such other payments with respect to the amounts received from a student loan borrower, as may be required pursuant to the terms of a student education loan; and (iii) performing other administrative services with respect to a student education loan. Student loan servicers are prohibited from, among other things, (a) misrepresenting the amount, nature, or terms of any fee or payment due or claimed to be due on a student loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying student loan payments to the outstanding balance of a student loan; and (c) failing to report both the favorable and unfavorable payment history of the borrower to a nationally recognized consumer credit bureau at least annually if the loan servicer regularly reports information to such a credit bureau. The measure also establishes the Office of the Student Loan Ombudsman within the SCC's Bureau of Financial Institutions. The Office of the Student Loan Ombudsman is required to provide timely assistance to any student loan borrower of any student education loan in the Commonwealth. The Office of the Student Loan Ombudsman is further required to establish and maintain a student loan borrower education course, which shall cover key loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan forgiveness, and disclosure requirements. The bill has a delayed effective date of October 1, 2016.

*Patron - Simon*

**[C]SB406 Consumer finance companies; open-end credit plans; sharing location with motor vehicle title lender.** Prohibits any consumer finance company or person extending credit under an open-end credit plan from making loans at any location where a motor vehicle title lender is authorized to conduct business. The measure also prohibits a motor vehicle title lender from authorizing or permitting a consumer finance company or open-end credit plan lender to conduct business at any location where the motor vehicle title lender is authorized to conduct business. Any loan contract made by a consumer finance company or open-end credit plan lender from a title lender's place of business shall be unenforceable against the borrower. The measure does not prohibit the collection of any outstanding consumer finance loan or extension of credit made prior to the measure's effective date.

*Patron - Saslaw*

## Fire Protection

### Passed

**[P]SB736 Statewide Fire Prevention Code; City of Harrisonburg; installation or use of landscape cover materials.** Provides that notwithstanding any provision of law, general or special, any ordinance in effect and any ordinance adopted by the governing body of the City of Harrisonburg shall not include in any local fire prevention regulations a requirement that an owner of real property who has an occupancy permit issued by the City use specific landscape cover materials or retrofit existing landscape cover materials at such property.

*Patron - Obenshain*

## Failed

**HB944 Statewide Fire Prevention Code; installation or use of landscape cover materials.** Provides that notwithstanding any provision of law, general or special, any ordinance in effect and any ordinance adopted by the governing body of the City of Harrisonburg shall not include in any local fire prevention regulations a requirement that an owner of real property who has an occupancy permit issued by the City use specific landscape cover materials or retrofit existing landscape cover materials at such property.

*Patron - Wilt*

**HB1368 Statewide Fire Prevention Code; State Fire Marshal; consumer fireworks; penalties.** Authorizes the use of consumer fireworks in the Commonwealth and distinguishes by definition consumer fireworks from display fireworks and permissible fireworks. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as the storage and transportation of 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes from the provisions of the SFPC, unless prohibited by a local ordinance, (a) the sale of permissible or consumer fireworks, (b) any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property, or (c) such permissible or consumer fireworks when they are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissible fireworks or the use of such fireworks on private property. The provisions of the bill have a delayed effective date of January 1, 2017. The bill contains technical amendments.

*Patron - Miller*

**SB208 Statewide Fire Prevention Code; State Fire Marshal; consumer fireworks; penalties.** Authorizes the use of consumer fireworks in the Commonwealth and distinguishes by definition consumer fireworks from display fireworks and permissible fireworks. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as the storage and transportation of 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes from the provisions of the SFPC, unless prohibited by a local ordinance, (a) the sale of permissible or consumer fireworks, (b) any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property, or (c) such permissible or consumer fireworks when they are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissible fireworks or the use of such fireworks on private property. The provisions of the bill have a delayed effective date of January 1, 2017. The bill contains technical amendments.

*Patron - Garrett*

## Fisheries and Habitat of the Tidal Waters

### Passed

**HB327 Beach restoration; expedited permit.** Directs the Virginia Marine Resources Commission to develop an expedited process for issuing a permit for emergency sand restoration activities on a publicly owned beach when the erosion is caused by a discrete, identifiable weather event that was the subject of a local or state declaration of emergency. The bill exempts the permit process from certain provisions of the Administrative Process Act. This bill is identical to SB 307.

*Patron - Bloxom*

**SB284 Recreational oyster harvest.** Limits to public oyster grounds or unleased bottom open for harvest during the legally prescribed oyster season the taking of one bushel of oysters in any one day for personal use for purposes of the current exemptions (i) from licensing requirements and (ii) for the taking of oysters on Sunday during daylight hours.

*Patron - Lewis*

**SB307 Beach restoration; expedited permit.** Directs the Virginia Marine Resources Commission to develop an expedited process for issuing a permit for emergency sand restoration activities on a publicly owned beach when the erosion is caused by a discrete, identifiable weather event that was the subject of a local or state declaration of emergency. The bill exempts the permit process from certain provisions of the Administrative Process Act. This bill is identical to HB 327.

*Patron - Lewis*

**SB529 Menhaden quotas.** Increases the total allowable landings for menhaden from 144,272.84 metric tons per year to 158,700.12 metric tons per year. The bill also repeals the sunset provision that would have removed the Virginia Marine Resources Commission's authority to establish the annual harvest cap for the purse seine fishery for Atlantic menhaden.

*Patron - Stuart*

**SB643 U.S. Department of the Interior; monitoring by VMRC; Assateague Island National Seashore.** Directs the Virginia Marine Resources Commission to monitor any effort by the U.S. Department of the Interior to expand federal jurisdiction regarding fishing or shellfish harvesting in the waters adjoining the Assateague Island National Seashore and to seek to preserve the right and ability of Virginia watermen to use such waters.

*Patron - Lewis*

### Failed

**HB150 Management of menhaden.** Requires the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden and authorizes the Commission to adopt regulations for managing the Commonwealth's menhaden fishery. The bill also requires that any moratorium on the fishery be subject to legislative review. Several sections dealing with quotas, allocation of allowable landings, and administrative procedures are

repealed and will be included in a regulatory framework for managing the fishery.

*Patron - Knight*

**[F]HB151 Purse net fishing prohibited.** Prohibits fishing for menhaden with purse nets (i) in the Chesapeake Bay and its tributaries within one mile of mean low water and (ii) within three miles of shoreline of Virginia Beach extending to the North Carolina border.

*Patron - Knight*

**[F]HB204 Composition of the Marine Resources Commission.** Increases the membership of the Marine Resources Commission by adding a member who is a recreational user of water and owns property that abuts the waters in Virginia Beach. The bill increases the number of members for a quorum from five to six. Obsolete provisions regarding the initial staggering of terms are eliminated.

*Patron - Miyares*

**[F]HB285 Dredging projects in certain oyster grounds.** Allows dredging projects to occur that improve, deepen, or restore navigation channels in the waters of the Lynnhaven River and its creeks and tributaries in specific areas approved by the Virginia Marine Resources Commission (VMRC) so long as the project is designed to minimize the impact on oyster-producing beds. If a disturbance of any bed cannot be avoided, the bill requires the person conducting the dredging to pay (i) the costs of relocating the oyster material or (ii) the leaseholder for any loss of oysters that are in production, in an amount to be determined by the VMRC.

*Patron - Stolle*

**[F]HB640 Moratorium on oyster leases.** Directs the Commissioner of the Marine Resources Commission to place a six-month moratorium on oyster leases in Broad Bay and Linkhorn Bay in Virginia Beach. During this period the Commission is directed to notify all riparian landowners in these areas of their right to lease oyster grounds in the waters abutting their property.

*Patron - Miyares*

**[F]SB98 Management of menhaden.** Requires the Virginia Marine Resources Commission to adopt regulations to implement the Interstate Fishery Management Plan for Atlantic Menhaden and authorizes the Commission to adopt regulations for managing the Commonwealth's menhaden fishery. The bill also requires that any moratorium on the fishery be subject to legislative review. Several sections dealing with quotas, allocation of allowable landings, and administrative procedures are repealed and will be included in a regulatory framework for managing the fishery.

*Patron - Cosgrove*

**[F]SB102 Composition of the Marine Resources Commission.** Increases the membership of the Marine Resources Commission by adding a member who is a recreational user of water and owns property that abuts the waters in Virginia Beach. The bill increases the number of members for a quorum from five to six. Obsolete provisions regarding the initial staggering of terms are eliminated.

*Patron - DeSteph*

**[F]SB219 Purse net fishing prohibited.** Prohibits fishing for menhaden with purse nets (i) in the Chesapeake Bay and its tributaries within one mile of mean low water and (ii) within three miles of shoreline of Virginia Beach extending to the North Carolina border.

*Patron - DeSteph*

**[F]SB254 Oyster grounds; Virginia Marine Resources Commission; Lynnhaven River.** Suspends until July 1, 2017, the assignment or transfer by the Virginia Marine Resources Commission of general oyster grounds in the Lynnhaven River or its tributaries.

*Patron - DeSteph*

**[F]SB298 Increasing rents for certain planting grounds.** Increases the annual rent from \$1.50 per acre or portion thereof to \$5,000 per acre or portion thereof for leasing planting grounds that are within 1,000 feet of shoreline residences.

*Patron - DeSteph*

**[F]SB397 Rights of navigation; compensation.** Requires any person who seeks to open a channel that is necessary for waterfront property owners to be able to navigate the waters of the Lynnhaven River and its tributaries, and who is not a lessee or riparian holder of oyster or clam grounds, to give 12 months' notice of his intention. Any person constructing a channel is required to compensate the lessee of oyster grounds for all losses of commercially productive oyster beds within the affected area.

*Patron - DeSteph*

## Game, Inland Fisheries and Boating

### Passed

**[P]HB136 Damaged duck blinds in Virginia Beach.** Requires a person who holds a duck blind license for a stationary blind located in the City of Virginia Beach to immediately notify the Department of Game and Inland Fisheries (the Department) when his blind has been abandoned or does not meet the duck blind standards. The bill provides that any owner of such blind who fails to place a PVC pipe marker with reflecting tape into the water six feet above mean low water at the site of the blind (i) within seven days of discovery of the condition of the blind or (ii) within seven days of notification by the Department of the marking requirement is subject to a civil penalty of up to \$100.

*Patron - Knight*

**[P]HB137 Killing feral hogs.** Allows employees of the Department of Game and Inland Fisheries and federal agencies having responsibility for fisheries and wildlife management to hunt or kill, from aircraft and with the permission of the landowner, feral hogs in False Cape State Park and Back Bay National Wildlife Refuge, except during waterfowl season.

*Patron - Knight*

**[P]HB200 Establishing fee schedule for state parks.** Directs the Department of Conservation and Recreation to develop a plan that establishes a fee structure for rental of campsites and cabins in state parks. The bill requires the Department to submit the plan and its rental rate recommendations to the committees of oversight by November 1, 2016.

*Patron - Marshall, D.W.*

**[P]HB262 Allowing the sale of wildlife products.** Authorizes the Board of Game and Inland Fisheries to adopt regulations that allow a licensed hunter or trapper to manufacture and sell products made from wildlife that he has legally harvested, except when the manufacturing or sale of such prod-

ucts is detrimental to public health or sound wildlife management. The bill also allows the use or transportation of turkey feathers and toes taken from legally harvested turkey carcasses for the purpose of making tools or utensils or selling such tools or utensils; this provision expires on July 1, 2017.

*Patron - Lingamfelter*

**[P]HB315 Conservation police officers; retirement.**

Provides that any conservation police officer who (i) has at least 20 years of service as a conservation police officer, (ii) is a full-time sworn conservation police officer prior to January 1, 2016, and (iii) was transitioned to a civilian position on January 1, 2016, shall be considered a retired law-enforcement officer for the purposes of (a) obtaining a photo identification card, (b) being excluded from the prohibition on carrying concealed weapons and fee for a concealed handgun permit, and (c) purchasing a service weapon.

*Patron - Orrock*

**[P]HB317 Hunter education incentives.** Allows the Board of Game and Inland Fisheries to provide incentives for completing a safety course to those hunters who have not been required to successfully complete such course in order to hunt wildlife.

*Patron - Lingamfelter*

**[P]HB584 Feeding of deer prohibited.** Authorizes a city or town to adopt an ordinance to prohibit the feeding of deer. The penalty for violating the ordinance is a \$50 fine.

*Patron - Yost*

**[P]HB1115 Zebra mussels; education program.**

Requires the Director of the Department of Game and Inland Fisheries to establish a program of education for boaters and other members of the public in methods of preventing zebra mussels or other nonindigenous aquatic nuisance species from infesting Virginia waters. The bill requires the program to include cleaning and draining guidelines, designated dry times, and public outreach. The bill allows the Board of Game and Inland Fisheries to deliver the education program through the mandatory boating safety education program, by posting on the Department's website, or by other means.

*Patron - Kory*

**[P]HB1142 Hunting with a slingshot.** Allows the hunting of wild birds and wild animals, except deer, bear, elk, and turkey, with a slingshot unless shooting is expressly prohibited.

*Patron - Fariss*

**[P]HB1311 Killing or trapping of snakes.** Authorizes the Department of Game and Inland Fisheries to allow the use of snake exclusion devices by public utilities at their transmission or distribution facilities.

*Patron - Edmunds*

**[P]SB37 Black vultures; agreements for control.** Authorizes the Commissioner of Game and Inland Fisheries to enter into agreements with local and state agencies or other persons for the control of black vultures and other wildlife that pose a danger to agricultural animals. Current law allows such agreements for the control of coyotes.

*Patron - Carrico*

**[P]SB152 Sale of furs and animal parts; adoption of regulations.** Authorizes the Board of Game and Inland Fisheries (the Board) to adopt regulations allowing the sale of furs or furbearer products. The bill authorizes the Board to adopt regulations providing exemptions to the requirement that a dealer in furs obtain a permit. Current law limits such exemptions to hunters, trappers, fur farmers, and American Indians. The bill

also authorizes the Board to allow the possession, manufacture, or sale of parts of, or implements made from parts of, wild birds or animals. Current law provides only for the manufacture or sale of implements from deer skeletal parts or turkey callers from turkey parts, as well as the possession of shed antlers.

*Patron - Reeves*

**[P]SB283 Crab pots; recreational gear license; turtle excluder device.** Directs the Virginia Marine Resources Commission to charge recreational gear license fees of \$36 for crab pots with turtle excluder devices and \$46 for crab pots without such devices.

*Patron - Lewis*

**[P]SB344 Sunday hunting; rails.** Exempts any person who hunts Rallidae, the family of birds that includes rails and other wetland birds, from the prohibition on hunting on Sunday. The exemption is subject to geographical limitations established by the Director of the Department of Game and Inland Fisheries and is not allowed within 200 yards of a place of worship or any accessory structure thereof. Current law allows, under certain circumstances, people who hunt raccoons or waterfowl or hunt on private property to do so on Sundays. The bill contains technical amendments.

*Patron - Lewis*

**[P]SB349 Free fishing days.** Removes the prohibition against fishing without a license in waters stocked with trout by the Department of Game and Inland Fisheries or other public body on days designated by the Department as free fishing days.

*Patron - Deeds*

**[P]SB367 Hunting of coyotes; county or city ordinances.** Adds the hunting of coyotes with a rifle of a caliber larger than .22 rimfire to the list of firearm-hunting topics about which a county or city is authorized to adopt ordinances. Current law allows the governing body of a county or city to adopt ordinances prohibiting hunting with certain types of shotguns, permitting groundhog hunting under certain conditions, permitting hunting with muzzleloaders, and specifying permissible ammunition types. The bill contains technical amendments.

*Patron - McDougale*

## Failed

**[F]HB160 Age of operator of a motorboat.** Requires a person to be at least 14 years of age and to successfully complete a boating safety education course in order to operate a motorboat of 10 horsepower or greater. The bill also requires a person to have in his possession, while operating a motorboat, proof that he successfully completed a boating safety education course.

*Patron - Bell, Richard P.*

**[F]HB360 Turkey parts.** Allows the use or transportation of turkey feathers and toes taken from legally harvested turkey carcasses for the purposes of making tools or utensils or selling such tools or utensils.

*Patron - Loupassi*

**[F]HB1139 Hunting from a waterfowl blind.** Requires any person who is applying for a blind license to possess a valid hunting license. If a person hunts waterfowl without pos-

sessing a basic hunting license, he is guilty of a Class 4 misdemeanor.

*Patron - Pogge*

## General Assembly

### Passed

**HB87 Health Insurance Reform Commission.** Clarifies the applicable governmental agency that is tasked with determining whether a proposed mandated health insurance benefit exceeds the scope of the essential health benefits. The existing provision that gives this task to the Exchange is misplaced because the Exchange is a program, administered by the Centers for Medicare and Medicaid Services, through which health insurance is offered. If applicable federal rules require an agency of the Commonwealth to identify the state-mandated benefits that are in addition to the essential health benefits but do not identify a specific agency that is responsible for making such identification, the Bureau of Insurance shall be the applicable agency.

*Patron - Byron*

**HB245 Keeper of the Rolls; authority to correct errors in legislation.** Authorizes the Keeper of the Rolls to correct typographical errors in resolutions, in addition to his existing authority to correct such errors in bills.

*Patron - Cox*

**HB451 Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities; report.** Establishes a 13-member legislative Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities (the Commission) to determine the need for and ways to achieve economic opportunities for members of aspiring and diverse communities in Virginia. The bill provides that the Commission sunsets on July 1, 2019.

*Patron - Miyares*

**HB665 Commission on Employee Retirement Security and Pension Reform established.** Creates the Commission on Employee Retirement Security and Pension Reform (the Commission) in the legislative branch to study and make recommendations relating to the financial soundness of retirement plans covering state and local government employees; the suitability of retirement plans offered or maintained for current state and local government employees and the attributes of retirement plans that will be suitable for future employees; the impact on state and local governments of the anticipated retirement of experienced employees between 2016 and 2026 and strategies for replacing such employees; and the elements of compensation and benefits packages that are essential to attracting and retaining a highly productive state and local government workforce.

The Commission will be composed of 11 legislative members, eight nonlegislative citizen members, and two state officials. Legislative members from the House of Delegates will include the Speaker of the House of Delegates, the Chairman of the House Committee on Appropriations, the Chairman of the House Committee on Finance, and three members of the House of Delegates to be appointed by the Speaker of the House of Delegates. Legislative members from the Senate will include the Majority Leader of the Senate, any Chairman of the Senate Committee on Finance who is not the Majority Leader of the Senate, and three members of the Senate to be appointed by the

Senate Committee on Rules. Five nonlegislative citizen members will be appointed by the Speaker of the House of Delegates, one of whom will be appointed from a list of five nominees jointly submitted by the Virginia Association of Counties and the Virginia Municipal League, one of whom will be appointed from a list of three nominees submitted by the Virginia Governmental Employees Association, and one of whom will be appointed from a list of three nominees submitted by the Virginia Education Association. The Senate Committee on Rules will appoint three nonlegislative citizen members, one of whom will be appointed from a list of five nominees jointly submitted by the Virginia Sheriffs' Association and the Virginia State Police Association. The Directors of the Department of Human Resource Management and the Virginia Retirement System will serve on the Commission ex officio with nonvoting privileges. All other Commission members will have voting privileges.

The Commission will initially focus on the financial soundness of retirement plans covering state and local government employees and strategies for reducing unfunded liabilities under such plans. The Commission is authorized to employ actuaries and other experts, conduct statistical analyses, engage in financial modeling, and undertake such other activities as are consistent with its duties. The costs for such actuaries, experts, statistical analyses, and financial models utilized to study retirement plans, retirement options, and other retirement matters on behalf of state and local employees participating in the Virginia Retirement System will be paid by the Virginia Retirement System. The costs for any non-retirement analysis or consultation will not be paid from funds of the Virginia Retirement System.

The Department of Human Resource Management will provide staff support to the Commission. Technical assistance will be provided by the staff of the Virginia Retirement System, the Committee on House Appropriations, the Committee on Senate Finance, and the Division of Legislative Services.

The bill provides for the Commission's work to end on July 1, 2021.

*Patron - Howell*

**HB760 Auditor of Public Accounts; Commonwealth Data Point.** Requires the Auditor of Public Accounts (the Auditor) to incorporate in the Commonwealth Data Point the following enhancements: (i) graphs, charts, or other visual displays of aggregated data showing (a) current state spending by expense category, (b) year-to-year state spending, and (c) other data deemed appropriate by the Auditor, including display of available line item expenditures, and (ii) frequently asked questions and their responses. The bill also requires the Commonwealth Data Point to contain a listing of the positions and salary of each full-time state employee, organized by agency.

*Patron - Freitas*

**SB225 Autism Advisory Council.** Extends from July 1, 2016, to July 1, 2018, the expiration of the Autism Advisory Council.

*Patron - Hanger*

**SB600 Virginia Commission on Intergovernmental Cooperation.** Clarifies that certain appointments currently subject to approval by the Senate Committee on Rules be approved by the Chair of the Senate Committee on Rules. The bill also provides that the Chair of the Senate Committee on Rules replaces the President pro tempore as Chair of the Commission on Interstate Cooperation of the Senate.

*Patron - McDougale*



**[F]SB680 General Assembly; Joint Legislative Audit and Review Commission; fiscal impact statements for executive orders.** Provides that at the request of the chairman of any committee of the Senate or House of Delegates, the Joint Legislative Audit and Review Commission (the Commission) shall review any executive order issued by the Governor and prepare a statement reflecting the potential fiscal impact of the executive order on the operations of state government. The bill requires copies of the impact statement to be provided to the requesting chairman of the standing committee of both houses of the General Assembly to which matters relating to the content of the executive order are most properly referable.

*Patron - Dunnivant*

## Failed

**[F]HB27 Local fiscal impact bills; first-day introduction.** Requires local fiscal impact bills to be introduced no later than the first calendar day of the regular session of the General Assembly, unless requested by the Governor or filed in accordance with the rules of the General Assembly.

*Patron - Ware*

**[F]HB152 Virginia Conflict of Interest and Ethics Advisory Council; investigative authority.** Authorizes the Virginia Conflict of Interest and Ethics Advisory Council (the Council) to investigate alleged violations of the State and Local Government Conflict of Interests Act and the General Assembly Conflicts of Interests Act (the Acts). The Council may initiate an investigation upon its own motion or in response to a citizen complaint. Before beginning an investigation in response to a citizen complaint, the Council is required to conduct a preliminary inquiry to determine whether the facts stated in the complaint, when taken as true, are sufficient to show a violation of the Acts warrants an investigation. The bill details (i) the authority of the Council to issue subpoenas and the rights of the subject of an investigation; (ii) prerequisites for a finding of a violation of the Acts, including the conduct of a public hearing; and (iii) the requirements for referral of a violation of the Acts to appropriate authorities.

*Patron - Simon*

**[F]HB153 Virginia Conflict of Interest and Ethics Advisory Council; semiannual inspection of disclosure statements.** Requires the Virginia Conflict of Interest and Ethics Advisory Council to conduct a semiannual inspection of a random sample of disclosure statements filed with the Council to determine compliance with applicable disclosure requirements and limitations on gifts, the accuracy of information disclosed, and whether filing deadlines were met.

*Patron - Simon*

**[F]HB155 General Assembly Conflicts of Interests Act; disclosure of tax credits; penalty.** Requires the disclosure on the General Assembly Conflicts of Interests Act Statement of Economic Interests form of any tax credit allowed under the Code of Virginia that (i) the filer, (ii) a member of the filer's immediate family, (iii) a business owned by the filer or a member of the filer's immediate family, or (iv) a business in which the filer or a member of the filer's immediate family owns or controls an interest in excess of \$5,000 claimed during the previous tax year, when the amount claimed is \$1,000 or more. Disclosure of certain tax credits is not required. Disclosure is required only on the semiannual statement that is filed in June.

*Patron - Simon*

**[F]HB214 Study; state and local tax reform; report.** Creates a joint subcommittee to perform a one-year study on reforming state and local taxes. The joint subcommittee will assume the tasks of the Joint Subcommittee to Evaluate Tax Preferences, which the bill dissolves.

*Patron - LeMunyon*

**[F]HB686 General Assembly; requesting legislation; Clerks' offices.** Allows the Clerks' offices access to confidential bill request information.

*Patron - Cox*

**[F]HB758 Auditor of Public Accounts; Commonwealth Data Point.** Requires the Auditor of Public Accounts (the Auditor) to incorporate in the Commonwealth Data Point the following enhancements: (i) graphs, charts, or other visual displays of aggregated data showing (a) current state spending by expense category, (b) year-to-year state spending, and (c) other data deemed appropriate by the Auditor and (ii) frequently asked questions and their responses. The bill also requires the Commonwealth Data Point to contain a listing of the position description and salary of each full-time employee, organized by agency.

*Patron - Freitas*

**[F]HB856 Commission for the Commemoration of the Centennial of Women's Right to Vote.** Establishes the Commission for the Commemoration of the Centennial of Women's Right to Vote in the legislative branch of state government. The Commission is charged with planning and leading the centennial anniversary of women's right to vote in 2020. The provisions of the bill will expire on September 30, 2020.

*Patron - Byron*

**[F]HB860 Virginia Conflict of Interest and Ethics Advisory Council; public access to requests for opinions and related records.** Provides that records relating to formal advisory opinions or informal advice of the Council or its designee, including records of requests, notes, correspondence, and draft versions of such opinions or advice shall be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act. The bill contains an emergency clause. This bill was incorporated into HB 1362.

*Patron - McClellan*

**[F]HB861 Virginia Conflict of Interest and Ethics Advisory Council; extension of deadlines.** Entitles any person required to file the required disclosures an extension of the filing deadlines where good cause for granting an extension has been shown, as determined by the Virginia Conflict of Interest and Ethics Advisory Council. Good cause includes (i) the death of a relative of the filer; (ii) a state of emergency is declared that affects the area of the filer; (iii) a filer who is a member of a uniformed service is on active duty on the date of the filing deadline; or (iv) the electronic filing system fails and prevents timely filing. The bill contains an emergency clause. This bill was incorporated into HB 1362.

*Patron - McClellan*

**[F]HB959 Commission for the Commemoration of the Centennial of Women's Right to Vote.** Establishes the Commission for the Commemoration of the Centennial of Women's Right to Vote in the legislative branch of state government. The Commission is charged with planning and leading the commemoration throughout Virginia in 2020 and educating citizens concerning the importance and significance of the right to vote by all citizens in a democracy. The provisions of the bill will expire on July 1, 2020.

*Patron - Carr*

**[F]HB986 Virginia Freedom of Information Advisory Council; membership.** Increases the membership of the Virginia Freedom of Information Advisory Council from 12 to 13 by increasing the number of nonlegislative citizen appointees made by the Speaker of the House of Delegates from three to four to include that at least two of such citizen appointees represent or have been a representative of the news media.

*Patron - Yancey*

**[F]HB1315 General Assembly; introduction of legislation; recorded vote.** Requires all legislation introduced by a member of the House of Delegates or the Senate to be considered by the committee of purview or a subcommittee thereof and receive a recorded vote. All legislation reported from the house of introduction shall be considered by the committee of purview or a subcommittee thereof in the other chamber and receive a recorded vote.

*Patron - Cline*

**[F]HB1333 Designated access to certain bill drafting request information.** Allows designated staff of the Clerks of the Senate and the House of Delegates access to confidential bill request information.

*Patron - Cox*

**[F]SB13 Prohibited conduct by legislators; retaliation.** Prohibits a member of the General Assembly from using his public position to retaliate or threaten retaliation against any person for expressing views on matters of public concern or for exercising any right that is protected by law.

*Patron - Garrett*

**[F]SB14 General Assembly; testimony under oath before committee or subcommittee.** Authorizes the chairman or at least one-third of the total membership of a committee or subcommittee to request any person addressing the committee or subcommittee to take an oath to testify truthfully. The bill provides that any person who takes the oath and then knowingly makes a false statement to the committee or subcommittee is guilty of a Class 1 misdemeanor.

*Patron - Garrett*

**[F]SB304 General Assembly Conflicts of Interests Act; orientation session on ethics and conflicts; length of time of refresher session.** Removes the requirement that the refresher session on ethics and conflicts of interest last at least two hours. This bill was incorporated into SB 692.

*Patron - Ebbin*

**[F]SB667 Publishing pardons by the Governor; Article V, Section 12 of the Constitution of Virginia.** Prohibits the Division of Legislative Automated Systems from posting on its website absolute pardons granted by the Governor.

*Patron - Black*

**[F]SB711 Commission for the Commemoration of the Centennial of Women's Right to Vote.** Establishes the Commission for the Commemoration of the Centennial of Women's Right to Vote in the legislative branch of state government. The Commission is charged with planning and leading the commemoration throughout Virginia in 2020 and educating citizens concerning the importance and significance of the right to vote by all citizens in a democracy. The provisions of the bill will expire on July 1, 2020.

*Patron - Ebbin*

## General Provisions

### Passed

**[P]HB311 Emergency medical services providers; interstate agreements.** Directs the Secretary of Health and Human Resources to undertake efforts to establish collaborative agreements with other states to allow emergency medical services providers to provide emergency medical services across state lines and to report to the General Assembly regarding the status of such efforts no later than November 1, 2016. The bill contains an emergency clause.

*Patron - Orrock*

**[P]HB335 Official emblems and designations; Eastern Garter Snake.** Establishes the Eastern Garter Snake (*Thamnophis sirtalis sirtalis*) as the official snake of the Commonwealth. The bill also adds to § 1-510 of the Code of Virginia, which consolidates official state emblems and designations, two designations: the Northern Cardinal as the state bird and the American Dogwood as the state tree, adopted as HJ 9 (1950) and HJ 6 (1956), respectively that had been inadvertently omitted.

*Patron - Pogge*

**[P]HB813 Offshore waters and submerged lands; Commonwealth jurisdiction to three miles; survey.** Updates the description of the offshore waters over which the Commonwealth has jurisdiction. In place of a reference to certain seas claimed in the Virginia Constitution of 1776, the bill provides for jurisdiction over offshore waters for a distance of three geographical miles as determined by metes and bounds surveys. The bill also directs the Secretary of Natural Resources to conduct surveys of the three-mile boundary and to request that the Attorney General file the surveys in the United States Supreme Court.

*Patron - Knight*

**[P]SB352 Official emblems and designations.** Designates Nelsonite as the state rock of Virginia. The bill also adds to § 1-510, which consolidates official state emblems and designations, two designations: the Northern Cardinal as the state bird and the American Dogwood as the state tree, adopted as HJR 9 (1950) and HJR 6 (1956), respectively that had been inadvertently omitted.

*Patron - Deeds*

### Failed

**[F]HB49 Right to keep and bear arms.** Codifies the opinion of the Supreme Court of the United States in *District of Columbia v. Heller*, 554 U.S. 570 (2008), that the right to keep and bear arms conferred by the United States Constitution and the Constitution of Virginia is an individual right.

*Patron - Cole*

**[F]HB294 Closure of the Southwestern Virginia Training Center and the Southeastern Virginia Training Center prohibited.** Provides that the Southwestern Virginia Training Center and the Southeastern Virginia Training Center shall not be closed and shall instead remain open and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate.

*Patron - O'Quinn*

**HB801 Charges imposed by the Commonwealth or localities; fees.** Prohibits the Commonwealth and localities from imposing a charge and calling it a "fee" unless the charge relates to a direct and immediate specific service, good, or permit received by the person paying the charge.

*Patron - Morris*

## Health

### Passed

**HB202 Anatomical gifts for the purpose of search and rescue dog training.** Requires the Department of Health to convene a work group of stakeholders, which shall include representatives of the Department of Health, the Department of Emergency Management, the State Anatomical Program, procurement organizations, and local search and rescue teams and organizations, to (i) identify and evaluate options for using human remains donated to search and rescue teams and organizations as anatomical gifts for the purpose of training dogs to find human remains during search and rescue operations and (ii) establish policies and procedures to govern the process of using anatomical gifts for such purpose. The work group shall report its activities, findings, and recommendations to the General Assembly by December 1, 2016.

*Patron - Knight*

**HB222 Recognition of EMS Personnel Licensure Interstate Compact.** Creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensure accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel, (ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. The bill authorizes the State Emergency Medical Services Advisory Board to review decisions of the Interstate Commission for EMS Personnel Practice and, upon approval by the Interstate Commission of any action that will have the result of increasing the cost to the Commonwealth of membership in the compact, recommend to the General Assembly that the Commonwealth withdraw from the compact. The bill also provides that the compact shall expire on July 1, 2021, if it has not become effective as a result of enactment into law by at least 10 member states. This bill is identical to SB 233.

*Patron - Stolle*

**HB312 Secretary of Health and Human Resources; increase sharing of electronic health records; report.** Directs the Secretary of Health and Human Resources to work with stakeholders, which shall include representatives of hospitals and other health care providers in the Commonwealth, to (i) evaluate interoperability of electronic health records systems among health systems and health care providers and the ability of health systems and health care providers to share patient records in electronic format and (ii) develop recommendations for improving the ability of health systems and health care providers to share electronic health records with the goal of ensuring that all health care providers in the Commonwealth are able to share electronic health information to reduce the cost of health care and improve the efficiency of health care services. The Secretary shall report his findings and recommendations to the Chairmen of the House Committee on

Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2016. The bill contains an emergency clause.

*Patron - Orrock*

**HB313 Administration of immunizations.** Adds physician assistants, nurse practitioners, and licensed practical nurses and pharmacists who administer pursuant to a valid prescription to the types of health professionals who may administer vaccinations to children and who may provide to the person who presents the child for immunizations a certificate stating that such immunizations have been administered. Under current law, physicians and registered nurses are authorized to administer vaccinations and provide such certificates.

*Patron - Orrock*

**HB337 Informed consent to experimental treatment; neurodegenerative diseases.** Provides that in the case of persons suffering from neurodegenerative diseases causing progressive deterioration of cognition for which there is no known cure, the implementation of experimental courses of therapeutic treatment, including non-pharmacological treatment, to which a legally authorized representative has given informed consent shall not constitute the use of force. This provision replaces a current provision that informed consent to experimental courses of treatment, without reference to non-pharmacological treatment, given by a legally authorized representative shall not constitute the use of force in cases of organic brain diseases causing progressive deterioration in which there is no known cure or medically accepted treatment to the disorder.

*Patron - Pogge*

**HB343 Nursing homes; reimbursement of unexpended patient funds.** Requires the Board of Health to include in its regulations a provision requiring nursing homes to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient other than entrance-related fees paid to a continuing care provider within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the patient's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq. of the Code of Virginia).

*Patron - Pogge*

**HB558 Onsite sewage systems and private wells; evaluation and design.** Directs the State Health Commissioner to develop a plan for the orderly reduction and elimination of evaluation and design services by the Department of Health for onsite sewage systems and private wells, which shall provide for the protection of the public health as the Department transitions to accepting only applications that are supported by private site evaluations and designs from a licensed professional engineer or licensed onsite soil evaluator or, for any work subject to regulations governing private wells in the Commonwealth, by a licensed water well system provider. The Commissioner shall report to the Governor and the General Assembly by November 15, 2016.

*Patron - Orrock*

**HB566 Licensed onsite soil evaluators; terminology.** Changes references to authorized onsite soil evaluators to the more accurate term "licensed onsite soil evaluators."

*Patron - Knight*

**HB648 State Health Commissioner; State Board of Health; approved sewage system or nonconforming system.** Provides for the State Health Commissioner to develop a procedure for processing requests to approve an installed treat-

ment works. The bill authorizes the Commissioner or his agent to approve a nonconforming treatment works under certain conditions and for an owner of real property to accept a voluntary upgrade as a condition for the approval of a nonconforming treatment works. In addition, the bill designates persons who may certify that the sewage treatment available for a building is safe, adequate, and proper.

*Patron - Knight*

**[P]HB789 Exhumations; notice to next of kin.** Establishes procedures for notification of the next of kin of a dead person upon receipt by the circuit court of a report regarding an investigation that requires an exhumation or filing of a petition for exhumation. The bill provides that in cases in which the exhumation is requested as part of an investigation by the Chief Medical Examiner or other medical examiner, upon request of the attorney for the Commonwealth and a finding that good cause exists, a judge may order for a period not to exceed 90 days that notification of the next of kin of the dead person be withheld, the report and order for exhumation be sealed, and any parties involved in the investigation or exhumation not disclose to the next of kin of the dead person or to any other person that the court may deem appropriate that the investigation or exhumation has occurred. Such order may be extended for additional periods of up to 90 days upon petition of the attorney for the Commonwealth and a finding that good cause for such extension exists.

*Patron - Adams*

**[P]HB905 Advance disclosure of allowed amount or charge for procedure.** Requires every hospital to furnish a patient scheduled to receive an elective procedure, test, or service to be performed by the hospital, upon his request or the request of his legally authorized representative made no less than three days in advance of the date on which such elective procedure, test, or service is scheduled to be performed, with an estimate of the payment amount for which the participant will be responsible for such elective procedure, test, or service.

*Patron - Yancey*

**[P]HB1273 Regulation of X-ray machines.** Clarifies the authority of the Department of Health (the Department) related to registration and inspection of X-ray producing devices and requires the Department to develop a list of qualified private inspectors of X-ray machines and develop regulations for the annual registration of such private inspectors. The bill authorizes the Department to collect a fee, not to exceed \$150, for registration of private inspectors of X-ray machines.

*Patron - O'Bannon*

**[P]SB162 Family violence fatality review teams; definition of fatal family violence incident.** Specifies that for the purpose of referring such incident to a local family violence fatality review team, "fatal family violence incident" means any fatality that occurred or that is suspected of having occurred in the context of abuse between family members or intimate partners.

*Patron - Howell*

**[P]SB233 Recognition of EMS Personnel Licensure Interstate Compact.** Creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensure accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel, (ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. The bill authorizes the State

Emergency Medical Services Advisory Board to review decisions of the Interstate Commission for EMS Personnel Practice and, upon approval by the Interstate Commission of any action that will have the result of increasing the cost to the Commonwealth of membership in the compact, recommend to the General Assembly that the Commonwealth withdraw from the compact. The bill also provides that the compact shall expire on July 1, 2021, if it has not become effective as a result of enactment into law by at least 10 member states. This bill is identical to HB 222.

*Patron - Reeves*

**[P]SB369 Telemedicine pilot program.** Directs the Center for Telehealth of the University of Virginia and the Virginia Telehealth Network to establish a pilot program to expand access to and improve coordination and quality of health care services in rural areas and medically underserved areas of the Commonwealth through the use of telemedicine. Such pilot program shall include a process for establishing and providing support to patient care teams and for assisting nurse practitioners who seek to participate in the pilot program with identifying and developing written practice agreements with patient care team physicians. The Center for Telehealth shall report to the General Assembly and the Governor on the results of the pilot program by October 15, 2017. The provisions of this act shall expire on July 1, 2018.

*Patron - Stanley*

**[P]SB455 Department of Social Services; information sharing.** Requires the Department of Social Services to provide access to information regarding a medical assistance applicant's receipt of public assistance from programs administered by the Department to entities approved by the Board of Medical Assistance Services to receive applications and to determine eligibility for medical assistance.

*Patron - Dunnivant*

**[P]SB553 Nursing facilities; audio-visual recording.** Directs the Board of Health (the Board) to promulgate regulations governing audio-visual recording of patients in nursing homes by July 1, 2017, and requires the Department of Health to convene a workgroup of stakeholders to make recommendations on such regulations. The workgroup shall report its recommendations to the Board and the General Assembly by December 1, 2016.

*Patron - Cosgrove*

**[P]SB592 Vital records; amending death certificates.** Creates a process for amending certain information on a death certificate registered with the State Registrar. The bill requires a court order to change the name of the deceased, the deceased's parent, or the informant; the marital status of the deceased; or the place of residence of the deceased, when the place of residence is changed to a jurisdiction outside of the Commonwealth. The bill requires an affidavit testifying to corrected information for other types of changes. The bill requires the Board of Health to promulgate regulations concerning the amendment process and creates an appeals process for rejected amendments.

*Patron - Alexander*

**[P]SB595 Dead bodies; storage.** Requires any institution that has initial custody of a dead human body to ensure, if the dead body is to be stored for more than 48 hours, that the dead body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or to enter into an agreement with a local funeral service establishment to store the dead body.

*Patron - Alexander*

**SB774 DMAS; request for proposals.** Directing the Department of Medical Assistance Services to issue a Request for Proposal for statewide nonemergency medical transportation services.

*Patron - Dunnivant*

## Failed

**HB59 Certificate of public need; definition of medical care facility.** Exempts specialized centers or clinics or that portion of a physician's office developed for the provision of outpatient or ambulatory surgery from the definition of medical care facility, eliminating the requirement for a certificate of public need for projects involving such facilities.

*Patron - Byron*

**HB347 Laser-assisted in situ keratomileusis (LASIK) eye surgery; certificate of public need not required.** Eliminates the requirement for a certificate of public need for the establishment of a new medical care facility for the provision of LASIK eye surgery, the addition at an existing medical care facility of any new LASIK service, or the addition at any existing medical care facility of any new equipment for LASIK eye surgery.

*Patron - Byron*

**HB348 Certificate of public need; exception for certain equipment and services.** Provides that a certificate of public need shall not be required for the addition of certain medical care services or for the addition by an existing facility of certain new equipment, provided that the medical care facility complies with quality of care standards and charity care requirements established by the Board of Health.

*Patron - Byron*

**HB349 Certificate of public need.** Repeals requirements for a certificate of public need for medical care facilities other than nursing homes and medical care facilities located outside of a metropolitan statistical area or in a rural census tract within a metropolitan census area.

*Patron - Byron*

**HB354 Lyme disease; prevention pilot program.** Directs the Department of Health to conduct a two-year point of disease Lyme disease prevention pilot program.

*Patron - Greason*

**HB431 Certificate of birth; amendment; designation of sex.** Provides that the designation of sex on a certificate of birth shall only be changed pursuant to an order of a court of competent jurisdiction indicating that the initial designation of sex was incorrect due to a typographical error.

*Patron - LaRock*

**HB463 Transfer of medical equipment; certificate of public need not required.** Provides that the transfer of certain medical equipment, the addition of which to an existing medical care facility would constitute a project for which a certificate of public need would be required, shall not constitute a project provided the medical care facility to which the equipment is being transferred is located within five miles of the existing medical care facility from which the equipment is to be transferred.

*Patron - Head*

**HB465 Private well permits; validity.** Provides that permits for the construction of private wells, other than express well construction permits, shall be valid for the same time

period and subject to the same limitations as permits for septic tanks.

*Patron - Head*

**HB505 Allow a parent to be reimbursed for providing consumer-directed personal care services to his child.** Directs the Department of Medical Assistance Services (Department) to allow a parent to be approved for reimbursement for providing consumer-directed personal care services to his child, who is at least 18 years of age and lives under the same roof as the parent seeking reimbursement, pursuant to the Elderly or Disabled with Consumer Direction waiver, provided the parent meets all other qualifications set forth in Department regulations.

*Patron - Filler-Corn*

**HB614 Organ donation; mandated choice.** Requires the Department of Motor Vehicles to require each applicant for a driver's license or an identification card to indicate whether he is willing or unwilling to make an anatomical gift and further requires the Department to work with the Virginia Transplant Council to ensure that such mandated choice requirement is designed to encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the Department. Current law requires the Department to allow such applicant an opportunity to designate his willingness to make an anatomical gift.

*Patron - Krizek*

**HB621 Certificates of public need.** Repeals the requirement for a certificate of public need for certain projects involving (i) mental hospitals; (ii) psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse; (iii) facilities for individuals with intellectual disabilities; or (iv) intermediate care facility for individuals with intellectual disability that have more than 12 beds and are not in an area identified as in need of residential services for individuals with intellectual disability in any plan of the Department of Behavioral Health and Developmental Services.

*Patron - Bell, Robert B.*

**HB651 Certificate of public need process.** Eliminates the requirement for a certificate of public need for an increase in the total number of beds or operating rooms at existing medical care facilities, addition of certain neonatal special care services and open heart surgery services at existing medical care facilities, and addition of new equipment for the provision of open heart surgery at existing medical care facilities under certain conditions; requires registration of introduction of new intermediate or specialty-level neonatal special care services, increases in the total number of beds at certain hospitals, and introduction of new open heart surgery services or addition of new equipment for the provision of open heart surgery for which no certificate is required; and eliminates regional health planning agencies.

*Patron - Bell, Richard P.*

**HB656 Syringes services program; public health emergency.** Authorizes the State Health Commissioner to establish a syringe services program and to authorize persons who are not otherwise authorized by law to dispense or distribute hypodermic needles and syringes to dispense or distribute hypodermic needles and syringes in order to control the transmission of disease when the Commissioner has declared a public health emergency and determines it is necessary to protect public health. The bill also provides that a court may, in determining whether an object is drug paraphernalia, consider

whether possession or distribution of the object is part of participation in such a syringe services program.

*Patron - O'Bannon*

**HB688 Certificate of public need program.** Repeals the requirement for a certificate of public need before commencing a project involving a medical care facility and creates a new permitting process for categories of facilities and projects exempted from the certificate of public need process that requires the Commissioner of Health to issue a permit and requires the Commissioner to condition a permit (i) on the agreement of the applicant to provide a specified level of care at a reduced rate to indigents, accept patients requiring specialized care, or facilitate the development and operation of primary medical care services in designated medically underserved areas of the applicant's service area or (ii) on compliance of the applicant with quality of care standards.

*Patron - Peace*

**HB689 Certificate of public need; exception for certain equipment and services.** Provides that a certificate of public need shall not be required for (i) the introduction into a medical care facility of any new imaging service or (ii) the addition by a medical care facility of any medical equipment for the provision of imaging services if (a) the medical care facility has obtained accreditation for the provision of such services from the appropriate accrediting body, (b) the medical care facility adheres to the American College of Radiology Appropriateness Criteria or other evidence-based national standards to discourage overutilization, (c) all equipment meets current industry technology standards as determined by the Commissioner of Health, and (d) the medical care facility agrees to provide imaging services to indigent individuals in an amount that equals the average amount of imaging services provided to indigent individuals in the previous year in accordance with the requirements of conditions on certificates of public need imposed pursuant to § 32.1-102.4 in the health planning region in which the physician's office is located. The bill also requires any person who becomes contractually obligated to acquire medical equipment for the provision of computed tomographic (CT) scanning, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, or nuclear medicine imaging to register such acquisition with the Commissioner within 30 calendar days.

*Patron - Peace*

**HB797 State plan for medical assistance; eligibility.** Requires the Board of Medical Assistance Services to include in the state plan for medical assistance provision for the payment of medical assistance on behalf of individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII) who are under 65 years of age and not otherwise eligible for medical assistance and whose household income does not exceed 133 percent of the federal poverty level for a family of that size. The bill provides that such provision shall expire on December 31 of any year in which the federal medical assistance percentage for such individuals falls below the percentages set forth in 42 C.F.R. § 433.10(c)(6).

*Patron - Plum*

**HB866 Advance disclosure of allowed amount or charge for procedure.** Requires every hospital to disclose, prior to admitting a patient whose health plan includes a deductible, copayment, or coinsurance requirement for health care service of \$500 or more for an elective procedure or performing an elective procedure or test on or delivering an elective service to such patient, and upon request of such patient or his legally authorized representative, the amount of payment for the procedure for which the patient may be responsible

after any reimbursement or payment made by the patient's health insurance provider.

*Patron - O'Bannon*

**HB962 Lyme disease testing disclosure; sunset repeal; educational signage; civil penalty.** Creates a civil penalty for individuals licensed by the Board of Medicine who violate the requirement to disclose certain information to a patient when the licensee orders a laboratory test for the presence of Lyme disease for the patient. The first violation results in a written reprimand from the Board. The second violation results in a \$500 civil penalty and each subsequent violation results in a \$1,000 civil penalty. The bill also repeals the sunset for the Lyme disease testing disclosure requirement. The bill creates the Lyme Disease Educational Signage Fund for the purposes of providing Lyme disease educational signage for placement in Virginia State Parks.

*Patron - LaRock*

**HB970 Disposition of fetal remains; penalty.** Requires hospitals and health care providers who provide abortion services to dispose of fetal remains by burial or cremation. The bill also provides that any person who gives, offers to give, or accepts the transfer of fetal remains, except for the purpose of investigating a death or providing burial or cremation services, is guilty of a Class 4 felony.

*Patron - LaRock*

**HB1007 Recognition of EMS Personnel Licensure Interstate Compact.** Creates the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact to (i) protect the public through verification of competency and ensure accountability for patient-care-related activities of licensed emergency medical services (EMS) personnel, (ii) facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority, and (iii) authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state.

*Patron - Levine*

**HB1083 Certificate of public need.** Makes changes to the Medical Care Facilities Certificate of Public Need Program. The bill (i) removes specialized centers or clinics or that portion of a physician's office developed for the provision of lithotripsy, magnetic source imaging (MSI), or nuclear medicine imaging from the list of reviewable medical care facilities; (ii) provides that establishment of a medical care facility to replace an existing medical care facility with the same primary service area does not constitute a project; (iii) removes introduction into an existing medical care facility of any new lithotripsy, magnetic source imaging, or obstetrical service that the facility has never provided or has not provided in the previous 12 months and addition by an existing medical care facility of any medical equipment for the provision of lithotripsy and magnetic source imaging (MSI) from the definition of project; (iv) creates a new process for registration of projects exempted from the definition of project by the bill; (v) establishes an expedited 45-day review process for applicants for projects determined to be uncontested or to present limited health planning impacts; (vi) renames the State Medical Facilities Plan as the State Health Services Plan and establishes a State Health Services Plan Advisory Council to provide recommendations related to the content of the State Health Services Plan; (vii) clarifies the content of the application for a certificate; and (viii) reduces the timeline for a person to be made party to the case for good cause from 80 calendar days to four days following completion of the review and submission of recommendations related to an application.

The bill also (a) directs the Department to develop recommendations to reduce the duration of the average review cycle for applications for certificates of public need to not more than 120 days and to report on its recommendations to the Governor and the General Assembly no later than December 1, 2016; (b) directs the Secretary of Health and Human Resources to review charity care services delivered throughout the Commonwealth and recommend changes to the definition of charity and to the types of charity care requirements imposed on various health care services and report to the Governor and the General Assembly by December 1, 2016; (c) directs the Secretary of Health and Human Resources to convene a group of stakeholders to study and make recommendations related to the appropriate authority of the State Health Commissioner to impose additional conditions on certificates; (d) directs the Secretary of Health and Human Resources to implement a system to ensure that data needed to evaluate whether an application for a certificate is consistent with the State Health Services Plan is timely and reliable, to make all public records pertaining to applications for certificates and the review process available in real-time in a searchable, digital format online, to make an inventory of capacity authorized by certificates of public need, both operational and not yet operational, available in a digital format online, and to make charity care conditions, charity care compliance reporting status, and details on the exact amount of charity care provided or contributed and to whom it was provided or contributed available in a digital format online; (e) directs the Commissioner of Health to develop an analytical framework to guide the work of the State Health Services Plan Advisory Council; and (f) directs the Joint Commission on Health Care to develop specific recommendations for eliminating differences in the certificate of public need review process from one region to another and report on the recommendations to the Chairmen of the House Health, Welfare and Institutions and Senate Education and Health Committees by December 1, 2016.

*Patron - Stolle*

**HB1086 Electronic registration of certificates of death.** Requires electronic filing of certificates of death, including the medical certification portion, using the electronic death registration system established by the Department of Health and provides for the filing of certificates of death with any registrar in the Commonwealth. Current law requires that certificates of death be filed with the registrar for the district in which the death occurred.

*Patron - Villanueva*

**HB1204 Virginia Health Care Access Fund.** Establishes the Virginia Health Care Access Fund to expand access to health care services through the provision of grants to health care providers who provide health care services to newly eligible individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII), but does not expand access to medical assistance services provided through the state plan for medical assistance for such individuals.

*Patron - Minchew*

**HB1205 Secretary of Health and Human Resources; increase sharing of electronic health records; report.** Directs the Secretary of Health and Human Resources to work with stakeholders, which shall include representatives of hospitals and other health care providers in the Commonwealth, to (i) evaluate interoperability of electronic health records systems among health systems and health care providers and the ability of health systems and health care providers to share patient records in electronic format and (ii) develop recommendations for improving the ability of health systems and health care providers to share electronic health records with the goal of ensuring that all health care providers in the

Commonwealth are able to share electronic health information to reduce the cost of health care and improve the efficiency of health care services. The Secretary shall report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2016. The bill contains an emergency clause.

*Patron - O'Bannon*

**HB1342 Immunizations.** Provides that requirements related to administration of vaccinations shall not apply in cases in which the vaccination is medically contraindicated.

*Patron - Filler-Corn*

**HB1369 Virginia Health Care Innovation Fund.** Establishes the Virginia Health Care Innovation Fund to consist of certain funds resulting from savings to the Commonwealth's program of medical assistance, to be used to improve access to health care in the Commonwealth by (i) improving access to care, particularly in rural areas, by increasing reimbursement rates up to 80 percent of the upper payment limit established by the Centers for Medicare and Medicaid Services for services delivered by health care providers; (ii) facilitating the delivery of additional health care services to reduce the cost of health care and improve health care outcomes; and (iii) increasing the capacity of existing health safety net programs, including rural health clinics, free clinics, federally qualified health centers, and existing mobile health clinics.

The bill also requires the Commissioner of Health to conduct a gap analysis to determine (i) the number of individuals residing in the Commonwealth whose household income is no more than 100 percent of the federal poverty level for a household of that size who are not covered by Medicaid, Medicare, other public health care coverage, or private insurance, including the number of such individuals who are (a) aged, blind, or disabled or (b) chronically ill as evidenced by an inability to perform at least two activities of daily living or who have a similar level of disability as determined by the U.S. Secretary of Health and Human Services or require substantial supervision by another person to protect the individual from threats to health and safety due to severe cognitive impairments; (ii) the geographic distribution of such individuals in the Commonwealth; (iii) the health care needs of such individuals; (iv) the extent to which those health care needs are currently being met by existing mobile health clinics, rural health clinics, free clinics, and federally qualified health clinics; and (v) the services necessary to meet any unmet health care needs of such individuals, and to report his findings to the Medicaid Innovation and Reform Commission no later than December 1, 2016. The bill requires the Department of Medical Assistance Services to review its process and criteria for identifying hospitals eligible for Medicaid disproportionate share hospital payments and the formula for calculating the amount of payments to qualifying hospitals, develop recommendations for revising the formula to link the amount of disproportionate share hospital payments made to qualifying hospitals with the quality of health care provided to, and health care outcomes for, individuals receiving care, and report its findings and recommendations, including recommendations for the criteria and measures to be used to determine health care outcomes and the quality of health care delivered, to the Medicaid Innovation and Reform Commission by December 1, 2016.

*Patron - Stolle*

**SB19 Telemedicine; pilot program.** Directs the Department of Health, in partnership with a hospital licensed in the Commonwealth, to establish a three-year telemedicine pilot program designed to reduce patient use of emergency department facilities for the treatment of low-acuity conditions.



The bill requires the Department to report the results of the pilot program to the State Board of Health and to the General Assembly by October 1, 2019. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Stanley*

**SB267 Conversion therapy prohibited.** Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in conversion therapy with any person under 18 years of age. The bill defines "conversion therapy" as any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.

*Patron - Dance*

**SB333 Certificates of public need.** Creates a three-phase process to sunset certificate of public need requirements for many categories of medical care facilities and projects, with the requirement for a certificate of public need (i) for the establishment of a new imaging service or addition of new equipment for imaging services eliminated beginning July 1, 2016, for ambulatory and outpatient surgery centers eliminated beginning July 1, 2017, and (iii) for hospitals and all other categories of projects other than nursing homes and facilities and equipment for open heart surgery and organ or tissue transplant services eliminated beginning July 1, 2018. The bill also creates a new permitting process for categories of facilities and projects exempted from the certificate of public need process that requires the Commissioner of Health to issue a permit but allows the Commissioner to condition a permit (a) on the agreement of the applicant to provide a specified level of care at a reduced rate to indigents, accept patients requiring specialized care, or facilitate the development and operation of primary medical care services in designated medically underserved areas of the applicant's service area or (b) on compliance of the applicant with quality of care standards. The bill allows the Commissioner to refuse to issue a permit if he determines that the project for which the permit is sought would be detrimental to the provision of health services in underserved areas of the Commonwealth.

*Patron - DeSteph*

**SB398 Certificates of public need; cataract surgery.** Eliminates the requirement for a certificate of public need for the establishment of a new medical care facility for the provision of cataract surgery, the addition at an existing medical care facility of any new cataract surgery service, or the addition at any existing medical care facility of any new equipment for cataract surgery.

*Patron - DeSteph*

**SB404 Medical assistance; health insurance; prescription contraceptives.** Requires the State Board of Medical Assistance Services to include in its state plan for medical assistance a provision for the payment of medical assistance for any prescribed drug or device approved by the United States Food and Drug Administration for use as a contraceptive and requires such provision to provide payments to dispensers

for dispensings of prescription contraceptives intended to last for a 12-month period.

The bill also requires health carriers with health benefit plans that cover prescription contraceptives to reimburse their dispenser for dispensings of prescription contraceptives intended to last for a 12-month period. The requirement on health carriers applies to health benefit plans delivered, issued for delivery, or renewed in the Commonwealth on and after July 1, 2016.

*Patron - Locke*

**SB461 Movable soccer goal safety.** Requires any organization that owns and controls a movable soccer goal to establish a soccer goal safety, training, and education policy, consistent with the Guidelines for Movable Soccer Goal Safety published by the U.S. Consumer Product Safety Commission. The bill also requires the Department of Health, in conjunction with the Department of Conservation and Recreation, to provide technical assistance to organizations to establish such policies.

*Patron - Vogel*

**SB585 Certificates of public need; conditions.** Authorizes the State Health Commissioner to condition the approval of a certificate of public need upon an agreement of the applicant to support charitable organizations specifically concerned with the provision of health care services to disabled veterans and that have a memorandum of understanding with the State Department of Health to meet specific unmet or partially unmet community health needs identified by the Department. The bill contains technical amendments.

*Patron - Barker*

**SB594 Electronic registration of certificates of death.** Requires electronic filing of certificates of death, including the medical certification portion, using the electronic death registration system established by the Department of Health.

*Patron - Alexander*

**SB596 Death certificates; medical certification of death.** Extends the time for filing a death certificate from three days to five business days from the date of the death. The bill also extends the time for completing the medical certification of death from 24 hours to three business days from the date of the death and provides that the medical certification of death be provided by the physician who last furnished medical care to the deceased rather than the physician in charge of the patient's care for the illness or condition which resulted in death. Alternative signers of the medical certification of death as provided in current law are not changed. The bill (i) requires that in cases in which a physician knowingly and willfully fails or refuses to complete the medical certification of death within 10 business days of the death, the Office of the Chief Medical Examiner must provide the medical certification of death and report such instance to the Board of Medicine and (ii) requires such physician to reimburse the Office of the Chief Medical Examiner for its services. In addition, the bill provides that failure or refusal to complete a medical certification of death in a timely manner may constitute unprofessional conduct for which the Board of Medicine may discipline a physician.

*Patron - Alexander*

**SB641 Certificate of public need.** Makes changes to the Medical Care Facilities Certificate of Public Need Program. The bill (i) removes specialized centers or clinics or that portion of a physician's office developed for the provision of lithotripsy, magnetic source imaging (MSI), or nuclear medicine imaging from the list of reviewable medical care facilities;



(ii) provides that establishment of a medical care facility to replace an existing medical care facility with the same primary service area does not constitute a project; (iii) removes introduction into an existing medical care facility of any new lithotripsy, magnetic source imaging, or obstetrical service that the facility has never provided or has not provided in the previous 12 months and addition by an existing medical care facility of any medical equipment for the provision of lithotripsy and magnetic source imaging (MSI) from the definition of project; (iv) creates a new process for registration of projects exempted from the definition of project by the bill; (v) establishes an expedited 45-day review process for applicants for projects determined to be uncontested or to present limited health planning impacts; (vi) renames the State Medical Facilities Plan as the State Health Services Plan and establishes a State Health Services Plan Advisory Council to provide recommendations related to the content of the State Health Services Plan; (vii) clarifies the content of the application for a certificate; and (viii) reduces the timeline for a person to be made party to the case for good cause from 80 calendar days to four days following completion of the review and submission of recommendations related to an application.

The bill also (a) directs the Department to develop recommendations to reduce the duration of the average review cycle for applications for certificates of public need to not more than 120 days and to report on its recommendations to the Governor and the General Assembly no later than December 1, 2016; (b) directs the Secretary of Health and Human Resources to review charity care services delivered throughout the Commonwealth and recommend changes to the definition of charity and to the types of charity care requirements imposed on various health care services and report to the Governor and the General Assembly by December 1, 2016; (c) directs the Secretary of Health and Human Resources to convene a group of stakeholders to study and make recommendations related to the appropriate authority of the State Health Commissioner to impose additional conditions on certificates; (d) directs the Secretary of Health and Human Resources to implement a system to ensure that data needed to evaluate whether an application for a certificate is consistent with the State Health Services Plan is timely and reliable, to make all public records pertaining to applications for certificates and the review process available in real-time in a searchable, digital format online, to make an inventory of capacity authorized by certificates of public need, both operational and not yet operational, available in a digital format online, and to make charity care conditions, charity care compliance reporting status, and details on the exact amount of charity care provided or contributed and to whom it was provided or contributed available in a digital format online; (e) directs the Commissioner of Health to develop an analytical framework to guide the work of the State Health Services Plan Advisory Council; and (f) directs the Joint Commission on Health Care to develop specific recommendations for eliminating differences in the certificate of public need review process from one region to another and report on the recommendations to the Chairmen of the House Health, Welfare and Institutions and Senate Education and Health Committees by December 1, 2016.

*Patron - Stanley*

**SB773 Department of Medicaid Services; asset location and recovery.** Directs the Department of Medical Assistance Services to contract with a vendor for location and recovery of unreported assets of deceased Medicaid recipients.

*Patron - Dunnivant*

**SB775 DMAS; Medicaid application.** Directs the Department of Medical Assistance Services (DMAS) to verify income, using Virginia Employment Commission data, for

Medicaid applicants and recipients who claim no earned or unearned income. The same protocols would be required to be used to verify the income of all applicants and recipients no later than October 1, 2017. The bill also requires DMAS to amend the Virginia Medicaid application, after obtaining approval from the Centers for Medicare and Medicaid Services, to require a Medicaid applicant to opt out if such applicant does not want to grant permission to the state to use his federal tax returns for the purposes of renewing eligibility.

*Patron - Dunnivant*

**SB777 Certificate of public need program.** Clarifies that the Certificate of Public Need program is established to address cost containment in the delivery of health care services, indigent care, and the health care needs of underserved populations; quality of care and patient safety; access to care; distribution of essential health care services; and support for the unique research, training, and clinical mission of teaching hospitals in the Commonwealth. The bill directs the Board of Health (the Board) to adopt regulations establishing concise procedures for evaluating emerging technologies and health care delivery models, equipment, and facility types to determine whether such technologies, models, equipment, or facility types should be subject to the requirement of a certificate of public need and provides that the Commissioner of Health (the Commissioner) may condition certificates on the agreement of the applicant to (i) participate in the Commonwealth's program of medical assistance and provide access to medical care services to individuals receiving medical assistance under the state plan for medical assistance services and (ii) establish and maintain a charity care policy to provide free and discounted care to indigent individuals. The bill requires the Commissioner to develop recommendations for guidelines for the uniform implementation of such conditions and report his recommendations to the Board by November 1, 2016.

The bill also requires the Commissioner to develop recommendations related to establishment of concise procedures for evaluating emerging technologies and health care delivery models, equipment, and facility types to determine whether such technologies, models, equipment, or facility types should be subject to the requirement of a certificate of public need and report such recommendations to the Board no later than November 1, 2016; requires the Board to adopt regulations establishing concise procedures for evaluating emerging technologies and health care delivery models, equipment, and facility types to determine whether such technologies, models, equipment, or facility types should be subject to the requirement of a certificate of public need by November 1, 2017; and requires the Commissioner to establish an advisory group composed of stakeholders to develop recommendations related to the role of regional health planning agencies in the certificate of public need process, and barriers to the continued role of regional health planning agencies in the certificate of public need process, and report such recommendations to the Board by October 1, 2016.

*Patron - Barker*

## Carried Over

**HB193 Certificates of public need.** Creates a two-phase process to sunset certificate of public need requirements for many categories of medical care facilities and projects, with the requirement for a certificate of public need (i) for ambulatory and outpatient surgery centers other than rural ambulatory and outpatient surgery centers and for capital expenditures at medical care facilities other than rural medical care facilities repealed in effective July 1, 2016, and (ii) for all medical care

facilities other than nursing homes, rehabilitation hospitals and beds, organ or tissue transplant services, certain open heart surgery services, and rural medical care facilities repealed effective January 1, 2017. The bill also creates a new permitting process for categories of facilities and projects exempted from the certificate of public need process that requires the Commissioner of Health to issue a permit but requires the Commissioner to condition a permit (a) on the agreement of the applicant to provide a specified level of care at a reduced rate to indigents, accept patients requiring specialized care, or facilitate the development and operation of primary medical care services in designated medically underserved areas of the applicant's service area and (b) on compliance of the applicant with quality of care standards. The bill also eliminates regional health planning agencies and makes numerous changes to the COPN process for facilities and projects that will still be subject to the requirement of a certificate.

*Patron - O'Bannon*

**☐HB350 Certificate of public need.** Makes changes to the Medical Care Facilities Certificate of Public Need Program. The bill removes various behavioral health facilities from the list of medical care facilities and projects subject to the requirement of a certificate of public need and makes various changes to procedures governing the certificate of public need process, including (i) defining "charity care" for purposes of the certificate of public need program; (ii) establishing an expedited 45-day review process for applicants for projects determined by the Department of Health (the Department) to be uncontested and to present minimal health planning impacts and for which the applicant agrees to comply with quality assurance requirements established by the Board of Health (the Board) and consents to provide charity care in an amount specified by the Board; (iii) establishing an expedited 120-day review process for applicants for projects identified by the Department to be uncontested and to present limited health planning impacts that require an intermediate level of scrutiny and for which the applicant agrees to comply with quality assurance requirements established by the Board and consents to provide charity care in an amount specified by the Board; (iv) clarifies the content of a completed application for a certificate; (v) eliminates the requirement for a public hearing on applicants for certificates; (vi) reduces the timeline from 80 calendar days to four days for a person to be made party to the case for good cause following completion of the review and submission of recommendations related to an application; (vii) requires the Department to establish a website to make information about the certificate of public need program, including information about letters of intent received by the Department, available to the public; and (viii) establishes a permit process for projects that are no longer subject to the requirement for a certificate of public need, which includes provisions for charity care requirements and quality assurance. The bill also (a) directs the Secretary of Health and Human Resources to review requirements governing imposition and satisfaction of charity care requirements for certificates of public need, including provisions for defining charity care and calculating the amount and value of charity care required and provided, develop recommendations for standardizing and enforcing such requirements, and report his recommendations to the Governor and the General Assembly by December 1, 2016, and (b) requires the Department to work cooperatively with Virginia Health Information to develop a process for the collection of utilization data for recipients of certificates of public need describing specific types of equipment utilized.

*Patron - Byron*

**☐HB473 Palliative Care Information and Education Program.** Directs the Board of Health to include in its regulations a requirement that every hospital, nursing home, and cer-

tified nursing facility licensed by the Board (i) establish a system for identifying patients or residents who may benefit from palliative care and (ii) provide information about and facilitate access to appropriate palliative care services for patients or residents experiencing illness, injuries, or conditions that substantially affect quality of life for more than a short period of time, including cancer, heart failure, renal failure, liver failure, lung disease, and Alzheimer's disease and related dementias. The bill also directs the Department of Health to establish a palliative care consumer and professional information and education program to maximize the effectiveness of palliative care initiatives in the Commonwealth by (a) ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities and (b) implementing such other initiatives related to education about palliative care and the delivery of palliative care services as may be necessary to educate health care professionals and the public about palliative care. The bill further establishes the Palliative Care and Quality of Life Advisory Council to advise the Department on matters related to the establishment, operation, maintenance, and outcomes evaluations of such initiatives.

*Patron - Filler-Corn*

**☐HB1021 Medicaid nonemergency transportation providers; background checks.** Requires every provider with whom the Department of Medical Assistance Services enters into a contract for the provision of nonemergency transportation services to individuals eligible for medical assistance to conduct national fingerprint-based criminal history background checks for every applicant hired for employment at the time of hiring and annually thereafter and establishes crimes conviction of which shall constitute a barrier to employment.

*Patron - Sickles*

**☐HB1080 Onsite sewage systems.** Clarifies that designs for treatment works from individuals licensed as professional engineers shall comply with horizontal setback requirements applicable to public and private drinking water sources, lakes and other impounded waters, streams and rivers, shellfish waters, and karst-related surface features necessary to protect public health and the environment. The bill also provides that effluent and ground water sampling requirements of the Board of Health shall not apply to alternative onsite sewage systems sized at 1,000 gallons per day or smaller unless a Notice of Violation has been issued and that the Board of Health shall not have the authority to regulate, restrict, define, or prohibit any ground modification or improvement techniques associated with standard engineering practice for the purpose of meeting any performance requirements.

*Patron - Hodges*

**☐HB1113 Prescription drug price transparency.** Requires every manufacturer of a prescription drug that is made available in the Commonwealth and has a wholesale acquisition price of \$10,000 or more for a single course of treatment to report to the Commissioner no later than July 1 of each year information related to the cost of developing, manufacturing, and marketing the prescription drug; any changes in the average wholesale price and average wholesale acquisition cost of the prescription drug; the amount of profits derived from sale of the prescription drug; and the total amount of financial assistance provided to consumers of the prescription drug. The bill requires the State Health Commissioner to cause such reports to be published on a website maintained by a non-profit entity with which the Commissioner has entered into a contract for such purpose and to annually report on such information, in aggregate form, to the Chairmen of the House Committees on Appropriations and on Health, Welfare and

Institutions and the Senate Committees on Finance and on Education and Health.

*Patron - Hugo*

**CSB20 Patient-Centered Medical Home Advisory Council.** Establishes the Patient-Centered Medical Home Advisory Council (Council) as an advisory council in the executive branch. The bill requires the Council to advise and make recommendations to the Department of Medical Assistance Services on reforms to the Commonwealth's program of medical assistance that would increase the quality of care while containing costs through a patient-centered medical home system. The bill defines a patient-centered medical home as a team approach to providing health care that (i) originates in a primary care setting; (ii) fosters a partnership among the patient, the personal provider and other health care professionals, and, where appropriate, the patient's family; (iii) utilizes the partnership to access all medical and nonmedical health-related services needed by the patient to achieve maximum health potential; and (iv) maintains a centralized, comprehensive record of all health-related services to promote continuity of care.

*Patron - Stanley*

**CSB394 Health care transparency.** Directs the Secretary of Health and Human Resources to develop a plan to increase transparency in the administration and delivery of health care by agencies of the Commonwealth or health care providers who have entered into an agreement or contract with an agency of the Commonwealth.

*Patron - Alexander*

**CSB401 Crohn's disease, colitis, and irritable bowel syndrome; identification cards and information.** Directs the Department of Health to develop a process for issuing identification cards to individuals diagnosed by a health care provider as having Crohn's disease, ulcerative colitis, or any other inflammatory bowel disease which shall include information about the symptoms of such conditions and the need for emergency access to restroom facilities of individuals diagnosed with such conditions. The bill also requires the Department to make information about Crohn's disease, ulcerative colitis, and other inflammatory bowel diseases available to the public via the Department's website.

*Patron - Marsden*

**CSB487 Prescription drug price transparency.** Requires every manufacturer of a prescription drug that is made available in the Commonwealth and has a wholesale acquisition price of \$10,000 or more for a single course of treatment to report to the Commissioner no later than July 1 of each year information related to the cost of developing, manufacturing, and marketing the prescription drug; any changes in the average wholesale price and average wholesale acquisition cost of the prescription drug; the amount of profits derived from sale of the prescription drug; and the total amount of financial assistance provided to consumers of the prescription drug. The bill requires the State Health Commissioner to cause such reports to be published on a website maintained by a non-profit entity with which the Commissioner has entered into a contract for such purpose and to annually report on such information, in aggregate form, to the Chairmen of the House Committees on Appropriations and on Health, Welfare and Institutions and the Senate Committees on Finance and on Education and Health.

*Patron - Hanger*

**CSB550 Virginia Veterans Recovery Program.** Creates the Virginia Veterans Recovery Program for the purpose of providing diagnostic services, hyperbaric oxygen treatment,

and support services to eligible veterans who have post-traumatic stress disorder or a traumatic brain injury. The program reimburses eligible facilities that provide hyperbaric oxygen treatment to an eligible veteran at no cost to the veteran and reimburses the eligible veteran for any necessary travel and living expenses required to receive treatment.

*Patron - Cosgrove*

**CSB561 Certificates of public need.** Creates a three-phase process to sunset certificate of public need requirements for many categories of medical care facilities and projects, with the requirement for a certificate of public need (i) for the establishment of a new imaging service or addition of new equipment for imaging services eliminated beginning July 1, 2016, for ambulatory and outpatient surgery centers eliminated beginning July 1, 2017, and (iii) for hospitals and all other categories of projects other than nursing homes and facilities and equipment for open heart surgery and organ or tissue transplant services eliminated beginning July 1, 2018. The bill also creates a new permitting process for categories of facilities and projects exempted from the certificate of public need process that requires the Commissioner of Health to issue a permit but allows the Commissioner to condition a permit (a) on the agreement of the applicant to provide a specified level of care at a reduced rate to indigents, accept patients requiring specialized care, or facilitate the development and operation of primary medical care services in designated medically underserved areas of the applicant's service area or (b) on compliance of the applicant with quality of care standards. The bill allows the Commissioner to refuse to issue a permit if he determines that the project for which the permit is sought would be detrimental to the provision of health services in underserved areas of the Commonwealth.

*Patron - Newman*

**CSB620 Nurse practitioners.** Eliminates the requirement that a nurse practitioner practice as part of a patient care team with a practice agreement with a patient care physician. The bill also eliminates a Board of Health pilot program authorizing certain nurse practitioners to practice without a practice agreement as the bill makes such pilot obsolete. The bill requires regulations to be promulgated within 280 days of enactment.

*Patron - Stanley*

**CSB671 Treatment of a patient for Lyme disease.** Provides that no health care provider who provides treatment for Lyme disease or other tick-borne disease in accordance with a clinical practice guideline maintained by the National Guideline Clearinghouse after obtaining informed consent shall be the subject of any disciplinary proceeding by the Board of Medicine for following such clinical practice guideline, absent gross negligence or willful misconduct.

*Patron - Black*

## Highways and Other Surface Transportation Systems

Passed

**P HB41 Virginia byway designation.** Designates portions of Virginia Route 72, Virginia Route 619, and U.S. Route 58 Alternate in the Counties of Scott and Wise and the City of Norton the "Thomas Jefferson Scenic Byway Loop." Such des-

ignations are typically authorized by the Commonwealth Transportation Board.

*Patron - Kilgore*

**[P]HB97 Interstate 95 corridor traffic congestion evaluation.** Directs the Department of Transportation (the Department) to conduct an evaluation with the Fredericksburg Area Metropolitan Planning Organization of traffic congestion on the Interstate 95 corridor in the George Washington Regional Commission region to determine the feasibility of extending the HOT lanes south on Interstate 95. The bill also directs the Department to report on the evaluation by the first day of the 2019 Regular Session of the General Assembly.

*Patron - Cole*

**[P]HB181 Northern Virginia Transportation Commission; membership.** Increases the number of nonlegislative citizen members of the Northern Virginia Transportation Commission from 13 to 14 by increasing from one to two the members who represent Loudoun County. This bill is identical to SB 277.

*Patron - Minchew*

**[P]HB184 Designating the Trooper Nathan-Michael W. Smith Memorial Bridge.** Designates the Route 301 bridge in Prince George County at Exit 45 over Interstate 95 the Trooper Nathan-Michael W. Smith Memorial Bridge. This bill is identical to SB 107.

*Patron - Aird*

**[P]HB190 Northern Virginia Transportation Authority.** Provides that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia and provides that the population estimates shall be adjusted once the estimates are available for July 1 of the fifth year after the decennial census. Under current law, the population estimates are adjusted on July 1 of the fifth year, which requires use of the previous year's data. This bill is identical to SB 413.

*Patron - Bulova*

**[P]HB384 Commonwealth Transportation Board; meetings.** Requires the Commonwealth Transportation Board to hold at least one hearing on projects that are located wholly within a single highway construction district and valued in excess of \$25 million in the highway construction district where the project being considered is located prior to a vote on the project.

*Patron - Marshall, R.G.*

**[P]HB407 Designation of HOV lanes.** Prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation prior to January 1, 2020. The bill contains a delayed effective date of July 1, 2017, and an expiration date of January 1, 2020.

*Patron - Bulova*

**[P]HB501 Request for Proposal of design-build projects.** Allows for the submission and consideration of alternative technical concepts, defined in the bill, during the Request for Proposal process of a design-build transportation project. This bill is identical to SB 465.

*Patron - Villanueva*

**[P]HB715 HOV designation on Interstate 66.** Adds to the criteria on which the Commonwealth Transportation Board must base its decision whether the change in HOV-2 designation to a more restrictive designation on Interstate 66 has been screened and evaluated by the Department of Transportation in

accordance with its responsibilities for analysis of transportation projects in the Northern Virginia Transportation District. The bill has a delayed effective date of January 1, 2020.

*Patron - LeMunyon*

**[P]HB719 Commonwealth Transportation Board; value of statewide prioritization factors.** Requires the Commonwealth Transportation Board to make public the criteria used to determine the value of each factor used in the statewide prioritization process for project selection no later than 30 days prior to a vote on such project or strategy.

*Patron - LeMunyon*

**[P]HB727 Northern Virginia Transportation Authority; decision-making procedure.** Requires the Northern Virginia Transportation Authority to make certain information concerning projects in its regional transportation plan publicly available at least 15 days prior to any decision for the expenditure of funds to create or improve a transportation facility.

*Patron - LeMunyon*

**[P]HB728 State and local transportation planning; homeland security.** Requires that the results of Department of Transportation reviews of proposed local comprehensive plan amendments for issues related to homeland security be provided concurrently to the submitting locality and the Northern Virginia Transportation Authority.

*Patron - LeMunyon*

**[P]HB731 Members of transportation district commissions; compensation.** Allows the Northern Virginia Transportation Commission to reimburse its nonelected members appointed to the board of directors of the Washington Metropolitan Area Transit Authority (WMATA) for expenses incurred and compensate them in the amount of \$50 per day for attending WMATA meetings.

*Patron - LeMunyon*

**[P]HB912 Department of Transportation; installation of broadband conduit on public highways.** Allows the Department of Transportation to permit broadband service providers to install conduit capable of housing fiber optic cable to provide broadband service on public highways.

*Patron - Minchew*

**[P]HB1111 Hampton Roads Transportation Accountability Commission.** Allows an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission (the Commission) who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill allows a chief elected officer to designate a current elected officer of the same governing body to serve in his place on the Commission for one meeting if 48-hour notice is provided to the chairman. The bill also ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Commission and allows the Commission to invest moneys in excess of those required to meet current needs in the same manner as other transportation moneys are invested. The bill clarifies that when investments are made in accordance with the restrictions placed on the investment of transportation moneys that those investing are exempt from personal liability. The bill also allows the Commission to spend Hampton Roads Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not

result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013. This bill incorporates HB 274 and is identical to SB 476.

*Patron - Villanueva*

**HB1122 Commonwealth Space Flight Fund; transfer of funds.** Extends through fiscal year 2023-2024 the annual transfer from the Transportation Trust Fund to the Commonwealth Space Flight Fund and increases the transfer from \$9.5 to \$15.8 million to reflect the amount in the appropriation act. Under current law, the transfer would cease in fiscal year 2016-2017. This bill is identical to SB 46.

*Patron - Bloxom*

**HB1237 Richmond Metropolitan Transportation Authority; powers.** Authorizes the Richmond Metropolitan Transportation Authority (RMTA) to construct, own, and operate coliseums and arenas, including facilities reasonably related to such coliseums and arenas, provided that the governing authorities of the localities that make up the RMTA approve.

*Patron - Loupassi*

**HB1359 Transit Capital Project Revenue Advisory Board.** Establishes the Transit Capital Project Revenue Advisory Board (the Advisory Board) within the Department of Rail and Public Transportation to examine the effects of the loss of state transit capital funds and identify additional sources of revenue. The Advisory Board is required to provide both an interim and a final report on its work and findings. The Advisory Board expires on July 1, 2018.

*Patron - Peace*

**HB1383 Commissioner of Highways; annual report to be made public.** Requires the Commissioner of Highways to make his annual report public on the Department of Transportation's website. Currently such report is only provided to the Governor, the General Assembly, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board. The bill requires such report to include traffic modeling results for all federally funded projects requiring a multi-alternative National Environmental Policy Act analysis.

*Patron - Keam*

**SB46 Commonwealth Space Flight Fund; transfer of funds.** Extends through fiscal year 2023-2024 the annual transfer from the Transportation Trust Fund to the Commonwealth Space Flight Fund and increases the transfer from \$9.5 to \$15.8 million to reflect the amount in the appropriation act. Under current law, the transfer would cease in fiscal year 2016-2017. This bill is identical to HB 1122.

*Patron - Carrico*

**SB107 Designating the Trooper Nathan-Michael W. Smith Memorial Bridge.** Designates the Route 301 bridge in Prince George County at Exit 45 over Interstate 95 the Trooper Nathan-Michael W. Smith Memorial Bridge. This bill is identical to HB 184.

*Patron - Dance*

**SB277 Northern Virginia Transportation Commission; membership.** Increases the number of nonlegislative citizen members of the Northern Virginia Transportation Commission from 13 to 14 by increasing from one to two the members who represent Loudoun County. This bill is identical to HB 181.

*Patron - Wexton*

**SB413 Northern Virginia Transportation Authority.** Provides that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia and provides that the population estimates shall be adjusted once the estimates are available for July 1 of the fifth year after the decennial census. Under current law, the population estimates are adjusted on July 1 of the fifth year, which requires use of the previous year's data. This bill is identical to HB 190.

*Patron - Barker*

**SB448 Designating the Trooper Harry Lee Henderson Memorial Bridge.** Designates the Interstate 66 bridge in Warren County the "Trooper Harry Lee Henderson Memorial Bridge."

*Patron - Obenshain*

**SB465 Request for Proposal of design-build projects.** Allows for the submission and consideration of alternative technical concepts, defined in the bill, during the Request for Proposal process of a design-build transportation project. This bill is identical to HB 501.

*Patron - Carrico*

**SB476 Hampton Roads Transportation Accountability Commission.** Allows an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission (the Commission) who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill allows a chief elected officer to designate a current elected officer of the same governing body to serve in his place on the Commission for one meeting if 48-hour notice is provided to the chairman. The bill also ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Commission and allows the Commission to invest moneys in excess of those required to meet current needs in the same manner as other transportation moneys are invested. The bill clarifies that when investments are made in accordance with the restrictions placed on the investment of transportation moneys that those investing are exempt from personal liability. The bill also allows the Commission to spend Hampton Roads Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013. This bill incorporates SB 47 and SB 472 and is identical to HB 1111.

*Patron - Wagner*

**SB515 Mobile food vending in commuter lots in Planning District 8; fees; security.** Allows mobile food vending units to apply for a permit and pay a fee to the Department of Transportation that would allow them to sell food in commuter lots in Planning District 8. The bill requires the Department to establish criteria for the program and a fee for the permit and to publish the permit application form and the established fee for the permit on its website.

*Patron - McPike*

**SB710 Appointing authority for Board of Directors of Washington Metropolitan Area Transit Authority.** Changes from the U.S. Administrator of General Services to the Secretary of the U.S. Department of Transportation the

appointing authority for the two federal members of the Board of Directors of the Washington Metropolitan Area Transit Authority and their alternates. The change is made in the WMATA Compact found in Title 33.2 (Highways and Other Surface Transportation Systems) in order to conform with federal law.

*Patron - Ebbin*

**[F]SB765 Commissioner of Highways; powers; emergency removal of snow and ice.** Provides that the Commissioner of Highways has the authority to establish and use procedures as he deems necessary to ensure safe travel during an emergency or weather-related event and that procuring equipment and labor to ensure resources are available to address an emergency or weather-related event is an emergency pursuant to the Virginia Public Procurement Act.

*Patron - Suetterlein*

## Failed

**[F]HB1 Tolling on Interstate 66.** Prohibits tolls on existing components of Interstate 66 inside the Beltway. This bill contains a technical amendment.

*Patron - LeMunyon*

**[F]HB109 Program Recognition of Maintenance Priorities in Transportation.** Allows counties that have not withdrawn from the state secondary highway system to submit requests for maintenance and improvement of components of the state secondary highway system to the Department of Transportation (VDOT) and requires VDOT to take such requests into consideration when establishing priority in expending funds allocated for maintenance or improvement of the state secondary highway system. The bill requires the Department of Transportation and the Virginia Information and Technology Agency to develop a website on which (i) such counties may electronically submit such requests and (ii) the Commonwealth's secondary state highway maintenance and improvement plan is available to the public.

*Patron - Lingamfelter*

**[F]HB126 Minimum speed limits.** Establishes a minimum speed limit of 45 miles per hour on interstate highways or other limited access highways with divided roadways, nonlimited access highways having four or more lanes, and all state primary highways.

*Patron - Marshall, D.W.*

**[F]HB169 HOT lanes enforcement and notification by a HOT lanes operator and the Department of Transportation.** Requires a HOT lanes operator to notify the registered owner of a vehicle that entered or used HOT lanes without payment of the toll. Such notification must be given within 24 hours of the violation if the registered owner of the vehicle has an account with the HOT lanes operator or within 24 hours of identification of a registered owner who does not have such an account. The bill requires the Department of Transportation to notify an account holder when his account reaches a low balance status, if the account holder has requested such notification. This bill was incorporated into HB 1069.

*Patron - Albo*

**[F]HB201 Commercial motor vehicles limited to use of certain lanes of certain highways.** Allows localities, after holding a public hearing, to prohibit commercial motor vehicles from traveling in the left-most lane of highways with four or more lanes.

*Patron - Marshall, D.W.*

**[F]HB224 Tolls for use of Interstate System components.** Requires prior approval by the General Assembly before any tolls may be imposed or collected for the use of any component of the Interstate System.

*Patron - Marshall, R.G.*

**[F]HB225 Tolls for use of Interstate System components.** Requires approval of the General Assembly prior to the imposition and collection of tolls for the use of Interstate 395. The bill contains a technical amendment. The bill contains an emergency clause.

*Patron - Albo*

**[F]HB274 Hampton Roads Transportation Fund.** Ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Hampton Roads Transportation Accountability Commission and allows the Commission to invest moneys in excess of those required to meet current needs in accordance with applicable law. This bill was incorporated into HB 1111.

*Patron - Yancey*

**[F]HB275 Hampton Roads Transportation Accountability Commission; composition.** Allows an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission.

*Patron - Yancey*

**[F]HB276 Hampton Roads Transportation Accountability Commission; administrative expenses.** Allows the Hampton Roads Transportation Accountability Commission to spend Hampton Roads Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013.

*Patron - Yancey*

**[F]HB380 Tolls for use of Interstate 66.** Prohibits the imposition or collection of any toll on Interstate 66 from Haymarket to Interstate 495.

*Patron - Marshall, R.G.*

**[F]HB403 Northern Virginia Transportation Authority.** Provides that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia.

*Patron - Herring*

**[F]HB631 Tolling on Interstate 66.** Prohibits tolls on existing components of Interstate 66 east of mile marker 67. The bill contains a technical amendment.

*Patron - Bell, John J.*

**[F]HB661 Outdoor advertising fee schedule; established by the Commonwealth Transportation Board.** Removes the current fee schedule for outdoor advertisements and advertising structures and requires that the Commonwealth Transportation Board establish a fee schedule with fees to be deposited in the Highway Maintenance and Operating Fund and used solely to defray the actual costs of supervising and administering the outdoor advertising signs and structures per-

mit program. The bill has a delayed effective date of July 1, 2017.

*Patron - Filler-Corn*

**HB692 Payments to cities and towns for maintenance of certain highways.** Provides that maintenance payments made to eligible cities and towns shall be for total pavement width based on an 11-foot lane.

*Patron - Carr*

**HB712 Interstate 66.** Prohibits the imposition or collection of any toll on Interstate 66 from Haymarket to Interstate 495 and requires the same portion of Interstate 66 to include not less than four lanes in each direction.

*Patron - Marshall, R.G.*

**HB713 Voter referendum; tolling on I-66.** Provides for an advisory referendum in each county and city in Planning District 8 on the questions of whether tolls should be imposed and collected on Interstate 66 inside the Capital Beltway and whether tolls should be imposed and collected on Interstate 66 outside the Capital Beltway. The results of the referendum would be advisory only and are intended to demonstrate the preference of the qualified voters in those counties and cities that would be affected by tolling on Interstate 66.

*Patron - Marshall, R.G.*

**HB716 Commonwealth Transportation Board; project evaluation.** Requires the congestion mitigation factor to be given a weight twice that of all other factors combined by the Commonwealth Transportation Board when evaluating projects in the Northern Virginia highway construction district using the statewide prioritization process.

*Patron - LeMunyon*

**HB717 Evaluation of significant transportation projects in Northern Virginia.** Directs the Department of Transportation to complete evaluations of certain significant transportation projects in the Northern Virginia Transportation District by December 31, 2016.

*Patron - LeMunyon*

**HB718 Commonwealth Transportation Board; project proposals to regional organizations.** Requires the Commonwealth Transportation Board (CTB) to annually solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process. The bill requires the CTB to annually propose transportation projects to metropolitan planning organizations and the Northern Virginia Transportation Authority. The CTB shall consider such input prior to submission of projects to be evaluated under the statewide prioritization process.

*Patron - LeMunyon*

**HB720 Department of Transportation; transportation projects in Planning District 8.** Requires the Department of Transportation (VDOT) or the Department of Rail and Public Transportation to hold a public hearing regarding any transportation project valued in excess of \$10 million in Planning District 8 at the conclusion of the project's preliminary design phase but before the detailed design phase begins and requires VDOT to evaluate such projects and make public the results of such evaluations not less than 14 days prior to such hearing.

*Patron - LeMunyon*

**HB721 Toll Facilities Revolving Account; statewide prioritization process.** Requires funds allocated from the Toll

Facilities Revolving Account to be evaluated using the statewide prioritization process.

*Patron - LeMunyon*

**HB722 Tolling on highway systems.** Prohibits the imposition or collection of tolls on primary, secondary, or urban highways in Planning District 8 not tolled as of January 1, 2016.

*Patron - LeMunyon*

**HB723 Northern Virginia Transportation Commission; Northern Virginia Transportation Authority.** Transfers the powers and duties of the Northern Virginia Transportation Commission to the Northern Virginia Transportation Authority.

*Patron - LeMunyon*

**HB724 Quorum and action by the Northern Virginia Transportation Commission.** Provides quorum and voting procedures for the Northern Virginia Transportation Commission that are analogous to those followed by the Northern Virginia Transportation Authority.

*Patron - LeMunyon*

**HB725 Northern Virginia Transportation Commission; membership.** Allows the governing body of each participating county and city in the Northern Virginia Transportation Commission (NVTC) to appoint commissioners to the NVTC who are not members of the governing body.

*Patron - LeMunyon*

**HB726 Northern Virginia Excess Toll Revenue Fund.** Establishes the Northern Virginia Excess Toll Revenue Fund into which all moneys collected by a toll facility in Planning District 8 that exceed amounts necessary for the design, development, operation, maintenance, or financing of the highway where the toll is collected will be deposited. Moneys in the Northern Virginia Excess Toll Revenue Fund will be distributed to the Northern Virginia Transportation Authority and used for alleviating highway congestion.

*Patron - LeMunyon*

**HB729 Department of Transportation; electronic toll collection account notification.** Requires the Department of Transportation (VDOT) to request email addresses and personal cell phone numbers from every account holder of an electronic toll collection device, commonly known as E-ZPass. The bill further requires VDOT to notify account holders via text message or email when the vehicle associated with the E-ZPass is operated without payment of a required toll, when the account reaches an amount preestablished by the account holder as a low balance, or when any other account irregularity occurs.

*Patron - LeMunyon*

**HB733 VDOT and DRPT employee evaluations.** Requires half of the performance evaluations of Department of Transportation and Department of Rail and Public Transportation employees in Planning District 8 to be based on the extent to which congestion in the planning district has been relieved.

*Patron - LeMunyon*

**HB796 Practical design standards for projects.** Requires the Department of Transportation to employ practical design standards for any highway system project, including all projects costing more than \$5 million. "Practical design standards" are defined in the bill as standards that incorporate maximum flexibility in application of standards that reduce the cost



of project delivery while preserving and enhancing safety and mobility.

*Patron - Bell, John J.*

**[F]HB826 Prince William County Metrorail Improvement District.** Creates the Prince William County Metrorail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County.

*Patron - Torian*

**[F]HB841 Tolling additional capacity and designations of HOV and HOT lanes on Interstate 66.** Prohibits tolls on any component of Interstate 66 outside the Capital Beltway existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled. The bill prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation and prohibits a HOT lane occupancy requirement of more than two. The bill allows vehicles bearing clean special fuel vehicle license plates to use HOT lanes; such vehicles may currently use HOV lanes. The bill contains a technical amendment.

*Patron - Webert*

**[F]HB850 Service charges imposed and collected by the Department of Motor Vehicles.** Repeals the \$5 service charge imposed and collected by the Department of Motor Vehicles (DMV) for any registration, driver's license, or identification card renewal in a DMV customer service center. The bill contains technical amendments.

*Patron - Cline*

**[F]HB901 Use of certain revenues by the Northern Virginia Transportation Authority.** Requires that 50% of the funds the Northern Virginia Transportation Authority has remaining after distribution to localities be used for bus rapid transit on Interstate 66 or expansion of Virginia Railway Express that benefit the Interstate 66 corridor from Haymarket to Interstate 495, or Interstate 66 construction outside the Capital Beltway until July 1, 2031.

*Patron - Marshall, R.G.*

**[F]HB911 Dulles Greenway Authority created.** Creates the Dulles Greenway Authority with authority to, among other things, purchase, operate, and maintain the Dulles Greenway using tolls and other such moneys as provided to it for such purposes. The Authority would be governed by a board of directors composed of 13 voting members as follows: six members appointed by the Board of Supervisors of Loudoun County, two members appointed by the Town of Leesburg, two members of the House of Delegates whose districts encompass part of the Dulles Greenway appointed by the Speaker of the House of Delegates, one member of the Senate, whose district encompasses part of the Dulles Greenway, appointed by the Senate Committee on Rules, and two members appointed by the Governor.

*Patron - Minchew*

**[F]HB916 Tolling on interstate highways.** Prohibits the imposition or collection of tolls on any component of Interstate 66 existing prior to July 1, 2016.

*Patron - Bulova*

**[F]HB947 Department of Transportation; induced demand considered in certain projects.** Requires the Department of Transportation to consider the concept of induced demand when conducting a review employing value engineering as required in certain projects. The bill defines "induced

demand" as the concept that new roads will create new drivers, resulting in the intensity of traffic staying the same.

*Patron - Keam*

**[F]HB949 Northern Virginia Transportation Authority (NVTa); membership composition.** Increases from 17 to 18 the membership of the NVTa and provides that the additional non-legislative citizen member represent towns that receive funds for urban highway systems.

*Patron - Keam*

**[F]HB1208 Hampton Roads Transportation Accountability Commission; local representation.** Allows the chairman of the board of supervisors of a county within Planning District 23 to designate a current elected officer of the same governing body to serve in his place on the Hampton Roads Transportation Accountability Commission.

*Patron - Tyler*

**[F]HB1236 Unpaid toll collection; administrative fees.** Prohibits a toll facility operator from charging an administrative fee that exceeds the amount of the unpaid toll per violation. Currently, administrative fees shall not exceed \$100 unless paid within 30 days of the violation, in which case the administrative fee shall not exceed \$25.

*Patron - Dudenhefer*

**[F]HB1243 Referendum for tolling Interstate 66.** Requires that localities in Planning District 8 that are located wholly or partially inside the Capital Beltway have voter approval by referendum before the imposition and collection of tolls for the use of Interstate 66 inside the Capital Beltway.

*Patron - Marshall, R.G.*

**[F]HB1244 Referendum for tolling Interstate 66.** Requires that localities in Planning District 8 that are located wholly or partially outside the Capital Beltway have voter approval by referendum before the imposition and collection of tolls for the use of Interstate 66 outside the Capital Beltway.

*Patron - Marshall, R.G.*

**[F]HB1271 Practical design standards for projects.** Requires the Department of Transportation to employ practical design standards for any highway system project, including all projects costing more than \$5 million. "Practical design standards" are defined in the bill as standards that incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility.

*Patron - LaRock*

**[F]HB1278 Appointing authority for Board of Directors of Washington Metropolitan Area Transit Authority.** Changes from the U.S. Administrator of General Services to the Secretary of the U.S. Department of Transportation the appointing authority for the two federal members of the Board of Directors of the Authority and their alternates. The change is made in the WMATA Compact found in Title 33.2 of the Code of Virginia in order to conform with federal law. The bill contains an emergency clause.

*Patron - Levine*

**[F]HB1335 Highway maintenance payments; bicycle lanes.** Provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane miles of highway will not have such payments reduced if moving-lane miles of highway are converted to bicycle-only lanes, provided that the number of moving-lane-miles is not more than 50 moving-lane-miles or 3% of the municipality's total number of moving-lane-miles, whichever



is less. Municipalities will not receive additional funds and cannot reduce their funding of road and street maintenance after a conversion. The bill also repeals the provision that allowed City of Richmond to convert 20 moving-lane-miles to bicycle-only lanes.

*Patron - Taylor*

**[F]HB1374 Tolls for use of Interstate 66.** Provides that the Commonwealth Transportation Board may impose tolls for the use of Interstate 66 from Interstate 495 to Route 29 in Rosslyn only if such tolls are collected at the same time Interstate 66 eastbound is being widened from the Dulles Connector Road to Ballston.

*Patron - Bulova*

**[F]SB47 Hampton Roads Transportation Accountability Commission; local representation.** Allows the chairman of the board of supervisors of a county within Planning District 23 to designate a current elected officer of the same governing body to serve in his place on the Hampton Roads Transportation Accountability Commission. This bill was incorporated into SB 476.

*Patron - Lucas*

**[F]SB112 Use of certain revenues by NVTa.** Allows new sidewalk projects to be funded by the Northern Virginia Transportation Authority.

*Patron - Petersen*

**[F]SB113 Northern Virginia Transportation Authority (NVTa); membership composition.** Increases from 17 to 18 the membership of the NVTa and provides that the additional nonlegislative citizen member represent towns that receive funds for urban highway systems.

*Patron - Petersen*

**[F]SB121 Designating the Senator George M. Warren Memorial Bridge.** Designates the Route 670 bridge in Washington County the "Senator George M. Warren Memorial Bridge."

*Patron - Carrico*

**[F]SB234 Tolling on Interstate 66.** Prohibits tolls on existing components of Interstate 66 east of mile marker 67. The bill provides that if additional lanes are added after January 1, 2017, toll revenues from use of the additional lanes shall be used only for the construction and maintenance of such additional lanes.

*Patron - Petersen*

**[F]SB257 HOV and HOT lane penalties; increased fines for subsequent offenses.** Provides that increased fines for subsequent violations of the high-occupancy requirement on HOV and for driving an unauthorized vehicle on the HOT lanes shall be imposed only after conviction of the prior offense. This bill was incorporated into SB 431.

*Patron - Surovell*

**[F]SB258 CTB; voting weighted by population.** Provides that the votes of the nine nonlegislative citizen members of the Commonwealth Transportation Board who represent the nine highway construction districts shall be weighted on the basis of the population of each member's district as a percentage of the total population of the Commonwealth.

*Patron - Surovell*

**[F]SB405 Tolling additional capacity and designations of HOV and HOT lanes on Interstate 66.** Prohibits tolls on any component of Interstate 66 outside the Capital Beltway existing prior to July 1, 2016. The bill provides that if addi-

tional lanes are added to an interstate highway, those additional lanes may be tolled. The bill prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation and prohibits a HOT lane occupancy requirement of more than two. The bill allows vehicles bearing clean special fuel vehicle license plates to use HOT lanes; such vehicles may currently use HOV lanes. The bill contains a technical amendment. This bill was incorporated into SB 295.

*Patron - Vogel*

**[F]SB431 HOT lane toll violations; penalties.** Lengthens the time period to pay an unpaid toll from 30 to 45 days before the administrative fee is increased. The bill decreases the civil penalties for an unpaid toll, making them equal to civil penalties for other toll violations, and makes subsequent increased civil penalties applicable only after conviction of a prior offense and allows for consideration of extenuating circumstances. The bill also places a cap on civil penalties and administrative fees of \$2,200 for a driver or owner's first court appearance for unpaid tolls and requires an annual report by the Department of Transportation on toll violations, penalties, and fees to the Chairmen of the House and Senate Transportation Committees. This bill incorporates SB 257.

*Patron - Ebbin*

**[F]SB471 Commonwealth Transportation Board; regional membership.** Increases from 17 to 19 the membership of the Commonwealth Transportation Board by the addition of two nonlegislative citizen members: one from the Hampton Roads Transportation Accountability Commission and one from the Northern Virginia Transportation Authority. The terms of the new nonlegislative citizen members begin July 1, 2016.

*Patron - Wagner*

**[F]SB472 Hampton Roads Transportation Accountability Commission; local representation.** Allows a chief elected officer to designate a current elected officer of the same governing body to serve in his place on the Hampton Roads Transportation Accountability Commission for one meeting if 48-hour notice is provided to the Chairman. This bill was incorporated into SB 476.

*Patron - Wagner*

**[F]SB514 Department of Transportation; transponder fees or exchange.** Prohibits the Department of Transportation from charging fees for or requiring users to exchange their E-ZPass flex transponder as a result of inactivity.

*Patron - McPike*

**[F]SB516 Tolling on interstate highways.** Prohibits tolls on any component of interstate highways existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled. The bill contains a technical amendment. This bill was incorporated into SB 295.

*Patron - McPike*

**[F]SB682 Construction in Hampton Roads; multi-modal component.** Requires that any construction or expansion project on a bridge or tunnel by the Department of Transportation or the Hampton Roads Accountability Commission include a multimodal component.

*Patron - Miller*

**[F]SB700 Construction of highways; consider sea-level rise.** Requires the Commissioner of Highways to determine the effect of sea-level rise on projects in Planning District 22 or 23. Such determination must be made in writing at least 60 days before final project approval, the expenditure of funds on the

project, or the first public hearing on the project, whichever comes first.

*Patron - Miller*

## Carried Over

**[C]HB1346 Commonwealth Transportation Board; regional membership.** Increases from 17 to 19 the membership of the Commonwealth Transportation Board by the addition of two nonlegislative citizen members: one from the Hampton Roads Transportation Accountability Commission and one from the Northern Virginia Transportation Authority. The terms of the new nonlegislative citizen members begin July 1, 2016.

*Patron - Villanueva*

**[C]SB197 Interstate 73 Corridor Development Fund and Program.** Establishes the Interstate 73 Corridor Development Fund and Program and reallocates to the I-73 Fund the \$40 million from state recordation taxes that is currently allocated annually to the U.S. Route 58 Corridor Development Fund and Program. All provisions of the bill are contingent upon construction of and payments for Route 58 being completed.

*Patron - Stanley*

**[C]SB255 Department of Transportation to study toll relief.** Requires the Department of Transportation to conduct a survey of other states' toll relief programs and evaluate potential methods of toll relief for citizens of the Commonwealth. The Department shall submit a report of its findings no later than the first day of the 2017 Regular Session of the General Assembly.

*Patron - Surovell*

**[C]SB365 Prioritization of statewide transportation projects; exceptions.** Provides that projects on U.S. Route 460 and U.S. Route 121 are not subject to the prioritization process that the Commonwealth Transportation Board applies to projects eligible for state funding.

*Patron - Chafin*

**[C]SB669 Highway maintenance payments; bicycle lanes.** Provides that cities and towns that receive highway maintenance payments from the Commonwealth based on moving-lane miles of highway will not have such payments reduced if moving-lane miles of highway are converted to bicycle-only lanes, provided that the number of moving-lane-miles is not more than 50 moving-lane-miles or 3% of the municipality's total number of moving-lane-miles, whichever is less. Municipalities will not receive additional funds and cannot reduce their funding of road and street maintenance after a conversion. The bill also repeals the provision that allowed City of Richmond to convert 20 moving-lane-miles to bicycle-only lanes.

*Patron - Alexander*

## Hotels, Restaurants, Summer Camps, and Campgrounds

### Passed

**[P]HB1277 Restaurants; annual inspections.** Provides that every restaurant in the Commonwealth shall be inspected at least annually, with no more than 12 months elapsing between each such inspection.

*Patron - Robinson*

### Failed

**[F]HB1178 Campground; definition.** Excludes from the definition of "campground" property upon which the owner may choose to allow his guests to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines. The bill contains a technical correction.

*Patron - Morris*

**[F]HB1242 Restaurants; separate stations for deep-fat frying.** Requires the Board of Health to include in regulations governing restaurants a requirement that restaurants maintain separate cooking stations for the purpose of deep-fat frying foods containing major allergens to protect against cross-contamination of other foods.

*Patron - Ingram*

**[F]SB231 Virginia Indoor Clean Air Act; e-cigarettes.** Expands the definition of "smoking" in the Virginia Indoor Clean Air Act to include vapor products. Vapor stores are excluded from the scope of Act.

*Patron - Miller*

## Housing

### Passed

**[P]HB210 Housing; removal of obsolete provisions; correction of citation.** Removes obsolete language regarding staggered terms for members of the Manufactured Housing Board and corrects a citation to the Housing Revitalization Zone Act (§ 36-157 et seq. of the Code of Virginia). This bill is a recommendation of the Virginia Code Commission.

*Patron - LeMunyon*

**[P]HB675 Auxiliary grants; supportive housing.** Extends eligibility for auxiliary grants to include individuals residing in supportive housing, provided that the supportive housing provider has entered into an agreement for the provision of supportive housing with the Department of Behavioral Health and Developmental Services. The bill establishes requirements for providers of supportive housing that enter into agreements with the Department.

*Patron - Peace*

**[P]HB1011 Rental inspection programs; exemptions.** Authorizes a locality to exempt a residential rental unit otherwise subject to a rental inspection ordinance if the unit is managed by (i) any person licensed as a real estate firm, real estate

salesperson or broker, or business entity salesperson; (ii) any (a) property manager or (b) managing agent of a landlord; (iii) any owner of a publicly traded entity that manages its own multifamily residential rental units; or (iv) any owner or managing agent who, in the determination of the local governing body, has achieved a satisfactory designation as a professional property manager.

*Patron - Massie*

## Failed

**[F]HB300 Fair Housing Law; unlawful discrimination; sexual orientation; gender identity.** Adds discrimination based on sexual orientation or gender identity as an unlawful discriminatory housing practice. The bill defines "sexual orientation" and "gender identity."

*Patron - Simon*

**[F]HB928 Redevelopment and housing authority; compensation of commissioners.** Increases from \$150 to \$500 per month the maximum compensation that may be paid to a redevelopment and housing authority commissioner.

*Patron - Kory*

**[F]HB1364 Board of Housing and Community Development; revision of the Uniform Statewide Building Code and the Statewide Fire Prevention Code; distillery operations.** Requires the Board of Housing and Community Development (the Board) to revise the Uniform Statewide Building Code and the Statewide Fire Prevention Code, as appropriate, to exempt from such codes barrel storage by distillery operations licensed by the Alcoholic Beverage Control Board in order to conform to federal fire code provisions. The bill provides alternatively that the Board may revise such codes to increase the current 30-gallon limit for barrel storage to 120 gallons in the control area of the distillery where distillation occurs.

*Patron - Campbell*

**[F]SB67 Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity.** Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill also defines sexual orientation and gender identity.

*Patron - Wexton*

## Carried Over

**[C]SB3 Building Revitalization Grant Fund.** Establishes the Building Revitalization Grant Fund, administered by the Department of Housing and Community Development, to award grants of up to \$100,000 to businesses that make a capital investment of at least \$1 million in revitalizing or retrofitting an existing building in the Commonwealth to serve as a new place of business. This bill is a recommendation of the Housing Commission.

*Patron - Stanley*

## Insurance

### Passed

**[P]HB16 Insurance; payment for services by dentists and oral surgeons.** Requires that reimbursements payable or paid by a dental plan for covered services be reasonable and not provide nominal reimbursement in order to claim that services are covered services under the applicable dental plan. A reimbursement is reasonable if it is the negotiated fee, rate, or reimbursement methodology that is set forth in the contract between a dental plan and a dentist or oral surgeon and is acceptable to the provider. The measure applies to contracts between a dental plan and a dentist or oral surgeon for the provision of health care to patients that is entered into, amended, extended, or renewed on or after January 1, 2017. The bill contains a delayed effective date of January 1, 2017.

*Patron - Ware*

**[P]HB31 Automobile, commercial liability, and homeowners insurance policies; notices.** Restores the ability of insurers, when sending certain types of notices, including notice of cancellation or nonrenewal of a motor vehicle, commercial liability, or homeowners insurance policy, to use mailing methods for which a certificate of mailing is obtained from the United States Postal Service, provided that certificates of bulk mail are not permissible. The measure also clarifies that Intelligent Mail barcode Tracing is a permitted first-class mail tracking method and clarifies that insurers are required to maintain records regarding the sending of such notices for one year, regardless of the method used to send the notice. The bill contains an emergency clause and is identical to SB 192.

*Patron - Miller*

**[P]HB58 Health benefit plans; large and small employers.** Deletes provisions that as of January 1, 2016, changed the definition of a "large employer," for purposes of a group health plan or health insurance coverage, from an employer who employed an average of more than 50 employees to an employer who employed more than 100 employees during the preceding calendar year. The definition of "small employer" is correspondingly revised to include employers who employ an average of 50 or fewer employees, which prior to January 1, 2016, was the threshold for delineating large employers from small employers. The measure has an emergency clause. The measure is a recommendation of the Health Insurance Reform Commission.

*Patron - Byron*

**[P]HB304 Home service contract providers.** Authorizes the State Corporation Commission (SCC) to deny an initial license application for a home service contract provider based on its review of the financial statements and any reports, certificates, or other documents filed with the SCC. The measure also changes the license renewal cycle for home service contract providers from a biennial process to an annual process beginning July 1, 2017, and revises the application fee from \$1,000 biennially to \$500 annually. Other provisions (i) clarify that the Virginia reserve requirement for such companies is determined by taking the gross consideration received for all home service contracts, less the claims paid, and then multiplying the remainder by 40 percent; (ii) replace a reference to "premiums" with "provider fees" because home service contracts are not insurance; and (iii) amend the provision dealing with filing of audited financial statements to allow for state-

ments prepared in accordance with generally accepted accounting principles. The bill has an emergency clause.

*Patron - Kilgore*

**HB307 Insurance notices.** Clarifies and updates provisions regarding notices from insurance companies to applicants and policyholders. The measure amends the requirement that insurers give insureds notice when increasing the premium on their policies due to accidents to clarify that insurers are required to inform insureds that they have 60 days to seek a review by the Bureau of Insurance of the application of a surcharge. The notice requirements regarding uninsured motorist coverage (UM/UIM) is updated to allow the practice under which insurers give applicants the opportunity to request UM/UIM limits equal to their liability limits or to request lower UM/UIM limits, as long as the lower limits are at least \$25,000/\$50,000/\$20,000. Other changes clarify which notices are required to be given on new business policies only rather than on new and renewal business policies.

*Patron - Byron*

**HB324 Insurance rates; authority to limit decreases.** Authorizes an insurer to file rate or supplementary rate information for its renewal policies that permits the insurer to limit any rate decrease that would otherwise be applicable to the policies, provided that the insurer is also limiting any rate increase that would otherwise be applicable. The provision does not apply to workers' compensation or employers' liability insurance. The bill has a delayed effective date of September 1, 2016.

*Patron - Kilgore*

**HB393 Insurance agencies; designated licensed producers.** Requires that an insurance agency's designated licensed producer responsible for the agency's compliance with insurance laws and regulations be an employee, officer, or director of the agency. With respect to a business entity applying for certain types of a limited lines license, the licensed producer designated by the vendor or lessor is not required to be an employee, officer, or director of the vendor or lessor. Business entities acting as an insurance producer are required within 30 calendar days to report (i) the removal of the designated licensed producer responsible for the business entity's compliance with insurance laws, rules, and regulations and (ii) the name of the new designated licensed producer. The State Corporation Commission is authorized to terminate an insurance agency's license for failing to maintain such a designated licensed producer. The measure makes the designated licensed producer requirements uniform among various lines of insurance.

*Patron - Ware*

**HB685 Direct primary care agreements.** Provides that the Commonwealth's insurance laws do not apply to direct primary care agreements. The measure further provides that (i) a direct primary care practice is not subject to the jurisdiction of the State Corporation Commission (SCC) and is not required to obtain a certificate of authority or license to market, sell, or offer to sell a direct primary care agreement; (ii) entering into a direct primary care agreement shall not be considered to be engaging in the business of insurance; and (iii) a direct primary care agreement is not a contract of insurance and is not subject to regulation by the SCC. The bill defines a direct primary care agreement as an agreement entered into between a health care provider and an individual patient under which the provider charges a predetermined fee as consideration for providing primary care to the patient, subject to certain conditions. A direct primary care practice is prohibited from submitting a claim to an insurer with respect to services provided to direct primary care patients covered by their direct

primary care agreement, unless the services are outside the scope of the agreement.

*Patron - Landes*

**HB820 Insurance notices; electronic delivery.** Authorizes a health carrier to deliver electronically to any of its policyholders, subscribers, or enrollees or to post to the health carrier's publicly available website, in lieu of any other method of delivery, any evidence of coverage or other forms required to be given to policyholders, subscribers, and enrollees that do not contain personally identifiable information. The evidence of coverage and associated forms are required to be readily available to download using publicly available software at no cost. The carrier is required to notify the policyholder, subscriber, or enrollee that he may request a paper copy of the evidence of coverage and associated forms without charge. The measure also repeals a clause that would have sunset on December 31, 2016, that (i) makes the notification to an insurer of any change of the electronic address for the named insured the sole responsibility of the named insured and (ii) states that giving notice of change of the named insured's electronic address to the agent of record shall not be deemed to be notice to the insurer unless it is specifically identified as a change and receipt has been accepted by the agent of record.

*Patron - Byron*

**HB844 Insurance agents; continuing education program.** Allows insurance agents who have completed all continuing education course or exemption requirements by December 31 but have failed to demonstrate proof of compliance by failing to pay the filing fee to pay the filing fee for an additional period of time, until the close of business on January 31, or the next working day thereafter if January 31 falls on a weekend, of the following year, but only if the agent pays, in addition to the filing fee, a late filing penalty of \$100. An agent whose proof of compliance is received during this final period shall not be considered in compliance with the continuing education requirements unless the filing fee and the late filing penalty described herein are paid by the close of business on January 31, or the next working day thereafter if January 31 falls on a weekend. The measure also (i) removes the restriction that the Insurance Continuing Education Board's waiver of requirements pertaining to the number of course credits required for good cause be based on emergency situations and (ii) deletes the condition that requests for waivers of course credit requirements be submitted no later than 90 calendar days prior to the end of the biennium for which the waiver is requested.

*Patron - Miller*

**HB851 Insurance notices; electronic delivery.** Repeals a clause that would have sunset on December 31, 2016, that (i) makes the notification to an insurer of any change of the electronic address for the named insured the sole responsibility of the named insured and (ii) states that giving notice of change of the named insured's electronic address to the agent of record shall not be deemed to be notice to the insurer unless it is specifically identified as a change and receipt has been accepted by the agent of record.

*Patron - Hugo*

**HB870 Unfair claim settlement practices; appraisal of automobile repair costs.** Authorizes the repair facility or the insurer making the appraisal of the cost of repairing a motor vehicle that has been damaged as the result of a covered loss to prepare an initial repair appraisal, which may be the final repair appraisal, on the motor vehicle either from personal inspection of the vehicle by a representative of the repair facility or insurer or from photographs, videos, or electronically transmitted digital imagery of the motor vehicle. The measure

prohibits an insurer from requiring an owner of a motor vehicle to submit photographs, videos, or electronically transmitted digital imagery as a condition of an appraisal. Supplemental repair estimates that become necessary after the repair work has been initiated due to discovery of additional damage to the motor vehicle may also be made from photographs, videos, or electronically transmitted digital imagery of the motor vehicle, provided that in the case of disputed repairs a personal inspection is required. Currently, a person is prohibited from making appraisals of the cost of repairing a motor vehicle that has been damaged as a result of a collision unless the appraisal is based upon a personal inspection. An insurer's violation of the requirement with such frequency as to indicate a general business practice constitutes an unfair claim settlement practice. This bill is identical to SB 193.

*Patron - Hugo*

**SB192 Automobile, commercial liability, and homeowners insurance policies; notices.** Restores the ability of insurers, when sending certain types of notices, including notice of cancellation or nonrenewal of a motor vehicle, commercial liability, or homeowners insurance policy, to use mailing methods for which a certificate of mailing is obtained from the United States Postal Service, provided that certificates of bulk mail are not permissible. The measure also clarifies that Intelligent Mail barcode Tracing is a permitted first-class mail tracking method and clarifies that insurers are required to maintain records regarding the sending of such notices for one year, regardless of the method used to send the notice. The bill contains an emergency clause and is identical to HB 31.

*Patron - Stuart*

**SB193 Unfair claim settlement practices; appraisal of motor vehicle repair costs.** Authorizes the repair facility or the insurer making the appraisal of the cost of repairing a motor vehicle that has been damaged as the result of a covered loss to prepare an initial repair appraisal, which may be the final repair appraisal, on the motor vehicle either from personal inspection of the vehicle by a representative of the repair facility or insurer or from photographs, videos, or electronically transmitted digital imagery of the motor vehicle. The measure prohibits an insurer from requiring an owner of a motor vehicle to submit photographs, videos, or electronically transmitted digital imagery as a condition of an appraisal. Supplemental repair estimates that become necessary after the repair work has been initiated due to discovery of additional damage to the motor vehicle may also be made from photographs, videos, or electronically transmitted digital imagery of the motor vehicle, provided that in the case of disputed repairs a personal inspection is required. Currently, a person is prohibited from making appraisals of the cost of repairing a motor vehicle that has been damaged as a result of a collision unless the appraisal is based upon a personal inspection. An insurer's violation of the requirement with such frequency as to indicate a general business practice constitutes an unfair claim settlement practice. This bill is identical to HB 870.

*Patron - Stuart*

**SB209 State Corporation Commission; insurance assessments.** Authorizes the State Corporation Commission (SCC) to recover omitted assessments pertaining to its regulation of insurers for the most recent three years. The measure also establishes a procedure for an aggrieved insurer to apply to the SCC for a correction of the assessment and for a refund.

*Patron - Alexander*

**SB562 Health benefit plans; federal law changes.** Authorizes health carriers to sell, issue, or offer for sale any health benefit plan that would otherwise not be permitted to be sold, issued, or offered for sale due to conflict with the require-

ments of the federal Patient Protection and Affordable Care Act (PPACA), to the extent that the requirements of the PPACA are amended by any federal law.

*Patron - Norment*

**SB640 Insurance policies and annuity contracts; exemption from creditors' claims.** Provides that the cash surrender value or proceeds of any policy of life insurance or annuity contract, the withdrawal value of an optional settlement or deposit with any company made pursuant to such a policy, or any other benefit from such a policy shall not be liable to execution, attachment, garnishment, or other legal process in favor of any creditor of (i) the person whose life is insured by the related policy or contract; (ii) the person who can, may, or will receive the benefit of such an item, if the person is the insured or owner of the contract, deposit, indemnity, policy, or settlement or the spouse or intended spouse of, a dependent child of, or any other person dependent on the insured or owner of the contract, deposit, indemnity, policy, or settlement; (iii) the person who owns the related contract, deposit, or policy; or (iv) the person who effected the related contract, deposit, or policy. These exemptions from creditors' claims apply regardless of whether the right to change the beneficiary thereof is reserved or permitted or the insured person, the annuitant, the owner of the policy or contract, or the person effecting the policy or contract, or any of their estates, is a contingent beneficiary of the policy, contract, or deposit. These provisions do not apply (a) to any claim by a creditor with respect to a protected insurance item that was taken out, made, or assigned in writing for the benefit of the creditor; (b) if the policy, contract, or deposit was paid with the intent to defraud creditors; or (c) to a policy, contract, or deposit issued or effected during the six months preceding the date that the person claiming the exemption files a voluntary petition in bankruptcy or is provided similar relief.

*Patron - Stanley*

## Failed

**HB55 Health benefit plans; large and small employers.** Deletes provisions that as of January 1, 2016, changed the definition of a "large employer," for purposes of a group health plan or health insurance coverage, from an employer who employed an average of more than 50 employees to an employer who employed more than 100 employees during the preceding calendar year. The definition of "small employer" is correspondingly revised to include employers who employ an average of 50 or fewer employees, which prior to January 1, 2016, was the threshold for delineating large employers from small employers. The measure has an emergency clause.

*Patron - Head*

**HB72 Health benefit plans; large and small employers.** Deletes provisions that as of January 1, 2016, changed the definition of a "large employer," for purposes of a group health plan or health insurance coverage, from an employer who employed an average of more than 50 employees to an employer who employed more than 100 employees during the preceding calendar year. The definition of "small employer" is correspondingly revised to include employers who employ an average of 50 or fewer employees, which prior to January 1, 2016, was the threshold for delineating large employers from small employers. The measure has an emergency clause.

*Patron - O'Bannon*

**HB174 Insurance agents; waiver of continuing education requirements.** Authorizes the insurance continuing education board to waive, on the basis of financial hardship,

the requirements relating to the number of continuing education course credits that an agent must obtain in a biennium. In order to be eligible for such a waiver, the agent shall have been determined by the Virginia Employment Commission to be eligible for unemployment benefits or to have exhausted unemployment benefits as a result of the loss of employment with a licensed insurance entity. In addition, the agent is required to submit a waiver request on the basis of financial hardship to the board or its administrator in the form and manner prescribed by the board.

*Patron - Albo*

**[F]HB255 Health insurance coverage for mental health and substance abuse disorders; applied behavior analysis.** Adds applied behavior analysis to the scope of treatments for the mental health services for which treatment is required to be provided under certain health insurance policies and plans. The measure also adds licensed mental health professionals to the list of providers authorized to render treatment under such required coverages. The measure directs that coverage for mental health and substance abuse providers that requires treatment be provided by a licensed mental health professional shall provide that such treatment may be provided by a licensed behavior analyst or licensed assistant behavior analyst acting within their scope of practice. Finally, the measure expands the definition of "mental health professional" to include licensed behavior analysts and licensed assistant behavior analysts.

*Patron - Greason*

**[F]HB338 Use of resources to enforce the Affordable Care Act.** Prohibits the Commonwealth and its political subdivisions from using any personnel or financial resources to enforce, administer, or cooperate with the federal Patient Protection and Affordable Care Act. The funding or administration of certain regulatory activities, including those related to the Medicaid and CHIP programs, are exempt from the prohibition.

*Patron - Pogge*

**[F]HB344 Health benefit plans; large and small employers.** Deletes provisions that as of January 1, 2016, changed the definition of a "large employer," for purposes of a group health plan or health insurance coverage, from an employer who employed an average of more than 50 employees to an employer who employed more than 100 employees during the preceding calendar year. The definition of "small employer" is correspondingly revised to include employers who employ an average of 50 or fewer employees, which prior to January 1, 2016, was the threshold for delineating large employers from small employers. The measure has an emergency clause.

*Patron - Pogge*

**[F]HB592 Health insurance; dispensing of generic prescription oral contraceptives.** Requires health carriers with health benefit plans that cover generic prescription oral contraceptives to reimburse their dispenser for dispensings intended to last for a 12-month period. The measure does not apply to the state employee health benefits plan. The measure applies to health benefit plans delivered, issued for delivery, or renewed in the Commonwealth on and after July 1, 2016.

*Patron - Hope*

**[F]HB702 Health benefit plans; prescription drugs; tiers.** Prohibits a health carrier offering a health benefit plan that provides coverage for prescription drugs from implementing a formulary that places a prescription drug on the highest cost-sharing tier unless at least one prescription drug that is in the same therapeutic class and is a medically appropriate alter-

native treatment for a given disease or condition is available at a lower cost-sharing tier under the formulary.

*Patron - McClellan*

**[F]HB837 Medicare supplement policies for individuals under age 65.** Requires insurers offering Medicare supplement policies in the Commonwealth to individuals age 65 or older to offer such policies to individuals who are under 65 years of age and who are eligible for Medicare due to disability.

*Patron - Morefield*

**[F]HB984 Health insurance; mandated coverage for autism spectrum disorder.** Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from age two through age 14. Currently, such coverage is required to be provided for individuals from age two through age 10. The provision applies with respect to insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended on or after January 1, 2017. The measure does not apply to policies, contracts, or plans issued in the individual market or the small group market.

*Patron - Lopez*

**[F]HB1225 Essential health benefits; abortion coverage.** Removes the prohibition on the provision of coverage for abortions in any qualified health insurance plan that is sold or offered for sale through a health benefits exchange established or operating in Virginia.

*Patron - Boysko*

**[F]HB1301 Pharmacy benefits administrators; explanation of benefits.** Requires pharmacy benefits administrators to provide an explanation of benefits (EOB) to persons covered under health benefit plans for whom they processed or paid a claim for prescription drugs. The measure requires the EOB to be provided quarterly on a form approved by the State Corporation Commission. The measure also requires pharmacy benefits administrators to provide an EOB on a quarterly basis to covered individuals with regard to health insurance plans for current or retired state or local government employees or their dependents administered by the Department of Human Resource Management.

*Patron - Hodges*

**[F]SB171 Insurance; jury award of attorney fees for bad faith.** Provides that in certain civil causes of action involving insurance contracts, either the court or the jury may award attorney fees upon a finding of bad faith. The bill is in response to the Supreme Court of Virginia's decision in *REVI, LLC v. Chi. Title Ins. Co.*, 2015 LEXIS 114, which held that the term "court" meant trial judge and did not include a jury. The bill further provides that it shall not be interpreted to create a presumption that the term "court" as used elsewhere in the Code necessarily excludes a jury.

*Patron - Surovell*

**[F]SB183 Essential health benefits; abortion coverage.** Removes the prohibition on the provision of coverage for abortions in any qualified health insurance plan that is sold or offered for sale through a health benefits exchange established or operating in Virginia.

*Patron - McEachin*

**[F]SB331 Step therapy; psychiatric medicines.** Prohibits a health insurer or other carrier from using step therapy in a manner that results in a denial of or delay in coverage for any psychiatric medication under a health insurance policy or plan.

The measure applies only to health insurance policies or plans that provide coverage for prescription drugs on an outpatient basis. If the health benefit plan utilizes a closed drug formulary, the prohibition applies only to psychiatric medications on the formulary.

*Patron - DeSteph*

**[F]SB332 Step therapy protocols.** Requires health benefit plans that restrict the use of any prescription drug through the use of a step therapy protocol to have in place a clear, convenient, and expeditious process for a prescribing medical provider to request an override of such restrictions for a patient. A step therapy protocol is a protocol or program that establishes the specific sequence in which prescription drugs for a particular covered person and are covered by a health benefit plan or that conditions coverage of a prescription medication on a patient first trying an alternative medication without success. The measure requires the granting of a step therapy protocol override if (i) the required prescription drug is contraindicated or will likely cause an adverse reaction or physical or mental harm to the patient; (ii) the required prescription drug is expected to be ineffective on the basis of the known relevant physical or mental characteristics of the covered person and the known characteristics of the prescription drug regimen; (iii) the covered person has tried the required prescription drug while under his current or a previous health benefit plan or another prescription drug in the same pharmacologic class or with the same mechanism of action and such prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event; or (iv) the required prescription drug is not in the best interest of the covered person, based on medical appropriateness.

*Patron - DeSteph*

**[F]SB639 Health insurance; proton radiation therapy coverage decisions.** Prohibits health insurance policies and plans from holding proton radiation therapy to a higher standard of clinical evidence for benefit coverage decisions than is applied for other types of radiation therapy treatment. The measure applies to policies and plans that provide coverage for cancer therapy.

*Patron - Alexander*

## Carried Over

**[C]HB362 Step therapy protocols; disclosures.** Requires health insurers that limit coverage for prescription drugs through the use of a step therapy protocol to have in place a process for a prescribing provider to request an override of the protocol for a patient. A step therapy protocol is a protocol or program that establishes the specific sequence in which prescription drugs for a specified medical condition are medically appropriate for a particular patient and are covered by a health benefit plan or that conditions coverage of a prescription medication on a patient first trying an alternative medication without success. The measure requires the granting of a step therapy protocol override in certain circumstances. Finally, the measure requires an insurer that offers a health benefit plan that uses a step therapy protocol to provide (i) written notice of a determination that the protocol requires denial of coverage of a provider's selected prescription drug, (ii) an explanation of the basis for such determination, and (iii) notice of the procedures for submitting a request for an override of the restrictions of the step therapy protocol.

*Patron - Davis*

**[C]HB601 Health insurance; mandated coverage for treatment of inborn errors of metabolism.** Requires health carriers to provide coverage for treatment of inborn errors of metabolism that involve amino acid, carbohydrate, and fat metabolism and for which medically standard methods of diagnosis, treatment, and monitoring exist. Coverage required pursuant to the bill shall include expenses of diagnosing, monitoring and controlling the disorders by nutritional and medical assessment, including clinical visits, biochemical analysis, medical foods, nutritional supplements, and formulas used in the treatment of such disorders.

*Patron - Murphy*

**[C]HB978 Health insurance; proton radiation therapy coverage decisions.** Prohibits health insurance policies and plans from holding proton radiation therapy to a higher standard of clinical evidence for benefit coverage decisions than is applied for other types of radiation therapy treatment. The measure applies to policies and plans that provide coverage for cancer therapy.

*Patron - Yancey*

**[C]HB1239 Fire Programs Fund.** Increases the rate of the assessment for the Fire Programs Fund from one to 1.4 percent of the total direct gross premium income for fire and related lines of insurance.

*Patron - Wright*

**[C]HB1251 Health insurance; assignment of benefits.** Prohibits health care coverage plan providers from refusing to accept assignments of benefits executed by covered individuals in favor of health care providers and hospitals. The bill is applicable to (i) insurers issuing individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, (ii) corporations providing individual or group accident and sickness subscription contracts, (iii) health maintenance organizations providing health care plans for health care services, and (iv) dental services plans offering or administering prepaid dental services. An "assignment of benefits" is the transfer of health care coverage reimbursement benefits or other rights under an insurance policy, subscription contract, or health care plan by an insured, subscriber, or plan enrollee to a health care provider or hospital.

*Patron - Leftwich*

**[C]SB383 Health insurance; parity of coverage for oral chemotherapy medications.** Requires health insurers, health care subscription plans, and health maintenance organizations, whose policies provide coverage for cancer chemotherapy treatment, to provide coverage for a prescribed, orally administered anticancer medication on a basis no less favorable than that on which it provides coverage for intravenously administered or injected anticancer medications. Such a policy, contract, or plan shall not require a higher copayment, deductible, or coinsurance amount for a prescribed, orally administered anticancer medication than what it requires for an intravenously administered or injected anticancer medication that is provided, regardless of formulation or benefit category determination by the insurer, corporation, or health maintenance organization. The measure applies to the state employees' health insurance plan and to the local choice health program. The measure replaces a provision enacted in 2012 that requires health insurers, health care subscription plans, and health maintenance organizations whose policies, contracts, or plans include coverage for intravenously administered, injected, and orally administered anticancer drugs to consistently apply the criteria for establishing cost sharing applicable to orally admin-



istered cancer chemotherapy drugs and cancer chemotherapy drugs that are administered intravenously or by injection.

*Patron - Vogel*

**[C]SB442 Health benefit plans; prescription drugs; tiers.** Prohibits a health carrier offering a health benefit plan that provides coverage for prescription drugs from implementing a formulary that places a prescription drug on the highest cost-sharing tier unless at least one prescription drug that is in the same therapeutic class and is a medically appropriate alternative treatment for a given disease or condition is available at a lower cost-sharing tier under the formulary.

*Patron - Dance*

**[C]SB627 Direct primary care agreements.** Provides that the Commonwealth's insurance laws do not apply to direct primary care agreements. The measure further provides that (i) a direct primary care practice is not be subject to the jurisdiction of the State Corporation Commission (SCC) and is not required to obtain a certificate of authority or license to market, sell, or offer to sell a direct primary care agreement; (ii) entering into a direct primary care agreement shall not be considered to be engaging in the business of insurance; and (iii) a direct primary care agreement is not a contract of insurance and is not subject to regulation by the SCC. The bill defines a direct primary care agreement as an agreement entered into between a health care provider and an individual patient under which the provider charges a predetermined fee as consideration for providing primary care to the patient, subject to certain conditions.

*Patron - Stanley*

**[C]SB696 Medicare supplement policies for individuals under age 65.** Requires insurers issuing Medicare supplement policies in the Commonwealth to offer the opportunity of enrolling in a Medicare supplement policy to any individual who resides in the Commonwealth, is enrolled in Medicare Part B, and is eligible for Medicare by reason of disability.

*Patron - Deeds*

**[C]SB752 Health insurance provider contracts; accepting enrollees as patients.** Requires certain contracts between a health insurance carrier and a provider of health care services to include provisions that prohibit a participating provider from (i) refusing or declining to accept an enrollee who has sustained an injury as a patient or (ii) refusing or declining to provide covered services to an enrollee who has sustained an injury on the basis of the mechanism of the injury sustained by the enrollee. The State Corporation Commission shall not have jurisdiction to adjudicate individual controversies arising out of this measure.

*Patron - Surovell*

## Juvenile Justice

### Failed

**[F]HB1046 Youth services citizen boards; membership.** Clarifies that public school teachers may be members of youth services citizen boards and excludes public school teacher members from the calculation when determining whether a majority of the board members are citizens who are not employed by government or service agencies and are not elected officials. The bill also clarifies that a board member

representing youth on such boards must be younger than 18 years of age at the commencement of the member's term.

*Patron - Rasoul*

**[F]SB215 Juvenile facilities; room segregation; regulations.** Requires the Board of Juvenile Justice to promulgate regulations on the use of room segregation in juvenile detention homes and juvenile correctional facilities that (i) include relevant definitions, criteria for use of room segregation, frequency of required room checks, training requirements for staff, and follow-up requirements after using room segregation; (ii) allow the use of room segregation only when other less restrictive options have been exhausted and for certain purposes; (iii) allow the use of room segregation only for the minimum amount of time required to address the resident's behavior; (iv) provide to the resident a means of communication with staff during room segregation; (v) specify, if a resident in room segregation exhibits self-injurious behavior, when and under what conditions staff shall consult with a mental health professional; and (vi) detail the circumstances under which the director of the juvenile detention home or juvenile correctional facility shall develop a plan for improved behavioral outcomes for the resident.

*Patron - Favola*

## Labor and Employment

### Passed

**[P]HB18 Employees; franchisees excluded.** Clarifies that neither a franchisee nor any employee of the franchisee shall be deemed to be an employee of the franchisee's franchisor for any purpose to which the amended section of the Code of Virginia applies, notwithstanding any voluntary agreement between the U.S. Department of Labor and the franchisee.

*Patron - Head*

**[P]HB691 Workplace safety; employer reporting requirements.** Extends from eight to 24 hours the time period within which an employer is required to notify the Virginia Department of Labor and Industry of any work-related incident resulting in hospitalization, amputation, or loss of an eye.

*Patron - Carr*

**[P]HB1150 Willful failure to pay wages; penalty.** Clarifies that wages owed to more than one employee may be aggregated in determining whether an employer's willful failure to pay wages is a misdemeanor or a felony. Currently, an employer who willfully and with intent to defraud fails or refuses to pay wages is guilty of a Class 1 misdemeanor if the value of the unpaid wages is less than \$10,000 and a Class 6 felony if the value of the unpaid wages is \$10,000 or more.

*Patron - Ward*

**[P]SB607 Safety and health program for public employees.** Directs the Commissioner of Labor and Industry or the Safety and Health Codes Board to adopt regulations for enforcing the occupational and health program applicable to employees of the Commonwealth, its agencies, institutions, political subdivisions, or any public body. The measure provides that these regulations and procedures for enforcing the program shall include provisions for the issuance of proposed penalties, the payment of such penalties or a negotiated sum in lieu of such penalties, and the deposit of such payments into the general fund of the state treasury.

*Patron - Dance*

## Failed

**HB7 Paid sick leave.** Requires private employers with 25 or more full-time employee equivalents to provide those employees working at least 18 hours per week with paid sick leave benefits. A covered employee would earn one hour of paid sick leave benefit for every 50 hours he works for an employer during 2017 or the first year of the employer's businesses operations if employment commences after January 1, 2018. Thereafter, such employees would accrue one hour of paid sick leave for every 30 hours of work. An employer could offer an employee seeking to take paid sick leave the opportunity to work additional hours or to switch shifts with another employee as an alternative to using accrued paid sick leave. An employee may not unreasonably refuse the offer of additional hours in lieu of taking the paid sick leave. An employer may elect to provide benefits more generous than those required by this measure. An employer that knowingly fails to provide such paid sick leave to its employees is subject to a civil penalty not to exceed \$1,000 per violation. The Commissioner of Labor and Industry may institute proceedings on behalf of an employee to enforce compliance with this measure and to collect the value of any paid sick leave unlawfully withheld from such employee, which shall be awarded to the employee.

*Patron - Simon*

**HB597 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.00 per hour effective July 1, 2016, to \$13 per hour effective July 1, 2017, and to \$15 per hour effective July 1, 2018, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA.

*Patron - Plum*

**HB623 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.10 per hour effective July 1, 2016, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). This increase applies only to any employee who is (i) age 25 years or older and (ii) employed by an employer with more than 15 employees.

*Patron - Krizek*

**HB743 Payment of wages; provision of employment records.** Requires employers to provide to the Commissioner of Labor, upon request, employment records that the employer is required to keep under state or federal law. The bill provides that failure to provide the records results in a presumption in favor of a party making an allegation and subjects an employer who fails to provide the requested records to a civil penalty not to exceed \$500.

*Patron - Ward*

**HB988 Minimum wage.** Provides that the cash wage paid to a tipped employee shall not be less than \$5.00 per hour and that the tip credit shall equal the difference between the \$5.00 cash wage required to be paid to a tipped employee and the minimum wage. Under current federal law, the minimum cash wage for tipped employees is \$2.13 and the maximum tip credit that an employer can currently claim is \$5.12 per hour based on a minimum wage of \$7.25 per hour.

*Patron - Lopez*

**HB989 Child labor; tobacco farms.** Prohibits any person from employing a child under the age of 18 to work in direct contact with tobacco plants or dried tobacco leaves

unless (i) the owner of the farm or other location at which such work is conducted is the child's parent, grandparent, or legal guardian or (ii) the child's parent or legal guardian has consented in writing to such employment.

*Patron - Lopez*

**HB995 Local alternative minimum wage.** Establishes a procedure by which a local alternative minimum wage may be imposed in any locality. If imposed by ordinance of the local governing body, the alternative minimum wage requirement shall become effective on the July 1 that follows delivery of a certified copy of the ordinance to the Commissioner of Labor and Industry. A local alternative minimum wage requires every employer to pay to each of his employees, for work performed by them within the locality, wages at a rate to be determined by local ordinance up to and including \$10 per hour beginning July 1, 2016; thereafter, the maximum local alternative minimum wage shall be adjusted based on the CPI. If the federal minimum wage exceeds the levels specified in an alternative local minimum wage requirement, the federal minimum wage will prevail.

*Patron - Levine*

**HB999 Family and Medical Leave Insurance Program.** Entitles individuals to a family and medical leave insurance (FMLI) benefit payment for each month they are engaged in qualified caregiving, not to exceed 60 qualified caregiving days per year. Qualified caregiving means an activity, except regular employment, for a reason an individual is entitled to leave under the federal Family and Medical Leave Act of 1993. Benefits would amount to 66 percent of an individual's monthly wages, based on highest annual earnings from the prior three years, up to a capped monthly amount, and would be indexed to the national average wage index. If a person takes the maximum number of days, the benefits would range from a minimum benefit of \$580 to a maximum benefit of \$4,000 per month in the program's first year. To be eligible for benefits, an individual is required to (i) be insured for disability insurance benefits under the Social Security Act at the time his application is filed; (ii) have earned income from employment during the 12 months before filing the application; (iii) have filed an application for a FMLI benefit; and (iv) have been engaged in qualified caregiving, or anticipate being so engaged, during the 90-day period before the application is filed or within 30 days thereafter. The measure establishes the Family and Medical Leave Insurance Fund and requires FMLI benefit payments to be made only from this Fund. A tax of 0.2 percent is imposed on the wages received by every individual, and an excise tax of 0.2 percent of the wages paid in any calendar year by the employer with respect to their employment is imposed on employers. The measure becomes effective January 1, 2017.

*Patron - Levine*

**HB1076 Employment; break to express breast milk.** Requires employers, including the Commonwealth and its political subdivisions, to provide reasonable unpaid break time each day to an employee who needs to express breast milk for the employee's infant child. An employer is exempt from this requirement if providing the break time would unduly disrupt its operations. An employer is also required to make reasonable efforts to provide a room or other location in close proximity to the work area, other than a toilet stall, where such an employee can express breast milk in privacy. No penalty is provided for a violation of this requirement.

*Patron - Yancey*

**HB1258 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.50 per hour effective July 1, 2016, to \$10.00 per

hour effective July 1, 2017, and to \$11.84 per hour effective July 1, 2018, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). Effective July 1, 2019, and for years thereafter, the \$11.84 rate shall be adjusted to reflect annual increases in the consumer price index. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA.

*Patron - Rasoul*

**[F]SB88 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2016, to \$9.00 per hour effective July 1, 2017, and to \$10.10 per hour effective July 1, 2018, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the cash wage paid to a tipped employee shall not be less than 50 percent of the minimum wage and that the tip credit shall equal the difference between the cash wage required to be paid to a tipped employee and the minimum wage.

*Patron - Marsden*

**[F]SB129 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$8.00 per hour effective July 1, 2016, to \$9.00 per hour effective July 1, 2017, and to \$10.10 per hour effective July 1, 2018, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA.

*Patron - Edwards*

**[F]SB221 Equal pay irrespective of sex.** Amends existing law requiring equal pay for equal work irrespective of sex to (i) increase the penalty for a violation from double unpaid wages to triple unpaid wages plus reasonable attorney fees; (ii) prohibit employers from punishing employees for sharing salary information with their coworkers; and (iii) prohibit unequal provision of benefits and privileges. The measure also deletes the exemption for employers covered by the federal Fair Labor Standards Act from the Commonwealth's prohibition on discrimination in the payment of wages on the basis of sex.

*Patron - McEachin*

**[F]SB274 Paid sick days for employees; civil penalties.** Requires private employers to give to each full-time employee paid sick days, to be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the ninetieth calendar day of employment. An employer may limit an employee's use of paid sick days to 24 hours or three days in each calendar year. The bill would require an employer to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or the employee's family member. The bill would prohibit an employer from discriminating or retaliating against an employee who requests paid sick days. The bill would require employers to satisfy specified posting and notice and recordkeeping requirements and would require the Commissioner of Labor and Industry (the Commissioner) to administer and enforce these requirements and to investigate alleged violations of these requirements. The bill would authorize the Commissioner to impose specified civil penalties for violations. The Commissioner or Attorney General would be authorized to bring an action to recover specified civil penalties against an offender, as well as attorney fees and costs. The measure would not apply to employees covered by a collective bargaining agreement that provides for paid sick days, nor would it lessen any other obligations of the employer to employees.

*Patron - Wexton*

**[F]SB324 Willful failure to pay wages.** Provides that an employer who willfully and with intent to defraud fails or refuses to pay wages to more than one employee is guilty of a Class 6 felony with regard to each such employee if the value of the wages earned and not paid to each such employee is \$10,000 or more. The measure also allows wages owed to more than one employee to be aggregated in determining whether a willful failure to pay wages is a misdemeanor or a felony.

*Patron - Ebbin*

**[F]SB668 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.00 per hour effective July 1, 2016, to \$13 per hour effective July 1, 2017, and to \$15 per hour effective July 1, 2018, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA.

*Patron - Favola*

## Carried Over

**[C]HB1133 Paid sick leave pilot program.** Establishes a pilot program under which employers with 50 or fewer employees may volunteer to participate. Participating employers agree to provide to full-time employees paid sick days, to be accrued at a rate of no less than one hour for every 50 hours worked. An employee would be entitled to use accrued sick days beginning after the ninetieth calendar day of employment. Participating employers would provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or the employee's family member. No more than 5,000 employers may participate in the program. Participating employers are eligible for a refundable income tax credit for 30 percent of the costs of hours of paid sick leave provided, over 80 hours in a taxable year, and subject to a limit of \$100 per employee. The total annual amount of tax credits is capped at \$12.5 million.

*Patron - Kory*

**[C]SB483 Occupational safety and health; employer's liability for violation by contractor.** Prohibits the Commissioner of Labor and Industry from issuing a citation or assessing a civil penalty against an employer for a violation of occupational safety and health law if the violation is imputed to the employer vicariously as the result of the failure of the employer's contractor or subcontractor to obtain a contractor's license or maintain a copy of the contractor's license on site. The exemption from liability applies only if the employer did not have actual knowledge of the failure.

*Patron - DeSteph*

## Libraries

### Failed

**[F]HB266 Assessment for law libraries as part of cost in civil actions.** Increases the allowable law library assessment cost from \$4 to \$5.

*Patron - Davis*

## Mechanics' and Certain Other Liens

### Passed

**HB940 Mechanics' liens, amount of lien; nonresident notice requirements.** Increases the amount of a mechanics' lien for repairs from \$800 to \$1,000. The bill also expands the locations in which notice of sale may be provided for non-resident owners to include websites operated by the Commonwealth, the county or city where the property is located, or a political subdivision of either and local newspapers, either in print or on their websites. Under current law, the notice must be posted in three public places in the county or city where the property is located, with public place defined as a premises owned by the Commonwealth, a political subdivision thereof, or an agency of either that is open to the general public.

*Patron - Wilt*

## Military and Emergency Laws

### Passed

**HB90 Possession of handguns by members of the Virginia National Guard.** Allows a member of the Virginia National Guard to possess a concealed handgun at National Guard facilities and facilities under contract with the National Guard if such member has a valid concealed handgun permit. The bill also provides that the member's commanding officer may prohibit the member from possessing a concealed handgun while participating in any training or other exercises where the commanding officer reasonably determines that such possession would interfere with the conduct of such training or other exercises or would otherwise impair the mission. This bill incorporates HB 119.

*Patron - Taylor*

**HB111 National Guard protections; employment.** Extends the rights regarding (i) leaves of absence from non-governmental employment, (ii) reemployment, and (iii) employment nondiscrimination that are currently provided to members of the Virginia National Guard and the Virginia Defense Force to Virginia residents who are members of the National Guard of another state. This bill incorporates HB 921.

*Patron - Lingamfelter*

**HB1051 Virginia Defense Force; Virginia National Guard; discipline.** Clarifies that state active duty and training duty are subject to discipline and that the discipline is limited to nonjudicial punishment.

*Patron - Pillion*

**HB1052 Virginia Defense Force; training duty.** Clarifies the definition of training duty for the Virginia Defense Force. The bill contains technical amendments.

*Patron - Pillion*

**HB1175 National Guard and Virginia Defense Force; pay allowance.** Clarifies the pay calculation for both the National Guard and Virginia Defense Force on state active duty.

*Patron - Anderson*

**HB1260 Declaration of local emergency.** Increases from 14 days to 45 days the time in which a local governing body shall call a special session, if a regularly scheduled session is not held, in order to confirm the declaration of a local emergency.

*Patron - Hodges*

**SB293 Virginia National Guard Morale, Welfare, and Recreation Program and Fund.** Establishes the Virginia National Guard Morale, Welfare, and Recreation Program and Fund to provide leisure, recreation, and lodging opportunities for Virginia National Guard members and their families, Virginia Defense Force members and their families, employees of the Department of Military Affairs and their families, and other users of Department facilities as authorized by the Adjutant General.

*Patron - Lewis*

### Failed

**HB119 Possession of handguns by members of the Virginia National Guard.** Allows a member of the Virginia National Guard to possess a concealed handgun at National Guard facilities and facilities under contract with the National Guard if such member has a valid concealed handgun permit. This bill was incorporated into HB 90.

*Patron - Webert*

**HB249 National Guard; recruitment and application policies; female applicants.** Requires that female applicants for enlistment in the National Guard be informed that they may be subject to front-line combat. The bill also provides that the recruitment and application policies of the National Guard shall be as prescribed in National Guard regulations.

*Patron - Marshall, R.G.*

**HB840 Possession of handguns by members of the Virginia National Guard.** Allows a member of the Virginia National Guard to possess a concealed handgun at National Guard facilities and facilities under contract with the National Guard if such member has a valid concealed handgun permit. The bill also provides that the member's commanding officer may prohibit the member from possessing a concealed handgun while participating in any training or other exercises where the commanding officer reasonably determines that such possession would interfere with the conduct of such training or other exercises.

*Patron - Webert*

**HB921 Members of the National Guard of other states; employment protection.** Provides any member of the National Guard of any other state called to perform state active duty or military duty the right to (i) take leave without pay from nongovernmental employment; (ii) retain vacation or other accrued leave; (iii) be restored to the position held prior to active duty or a comparable vacant position upon honorable release; and (iv) not be denied initial employment, reemployment, retention in employment promotion, or any benefit of employment. Current law provides such protections only to members of the National Guard of Virginia and Virginia Defense Force. This bill was incorporated into HB 111.

*Patron - Mason*

## Mines and Mining

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### Passed

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**[P]SB743 Division of Energy; state certifying authority.** Adds to the duties of the Division of Energy of the Department of Mines, Minerals and Energy the duty of serving as the state certifying authority in determining conformity with state requirements for solar energy projects and the production of coal, oil, and gas.

*Patron - Wagner*

### Failed

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**[F]HB1169 Mineral mining; bonding program; reclamation.** Grants the Commonwealth a lien on land reclaimed by the Director of the Division of Mines, Minerals and Energy (the Director) for the amount of the increase in the value of former mining land that results from the reclamation of the land. The bill increases the amount of the reclamation bond that a mine operator must pay from a range of between \$200 and \$1,000 per acre to \$3,000 per acre and provides procedures related to the operation of the lien, including procedures for perfection, waiver, recordation, priority, amount determination, and satisfaction. The bill also modifies the existing Minerals Reclamation Fund (the Fund), establishing it as a nonlapsing revolving fund with a minimum size of \$2 million. Current law sets the Fund's floor at \$250,000 and does not prevent moneys in the Fund from reverting to the general fund at the end of each biennium.

*Patron - Pillion*

**[F]SB475 Clean Fuel Fleet Voucher Program.** Directs the Department of Mines, Minerals and Energy (the Department) to establish a rebate program to subsidize the cost of the purchase or conversion of a medium-duty or heavy-duty alternative fuel vehicle by an operator of a fleet of vehicles in Virginia. The rebate, which is to be offered by motor vehicle dealers, is to cover no more than 50 percent of the difference in cost between the alternative fuel vehicle and a comparable vehicle that operates on a conventional fuel. The fleet operator is required to report mileage and fuel consumption data to the Department and certify that it will own the vehicle and title and register it in Virginia for at least three years.

*Patron - Wagner*

## Motor Vehicles

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### Passed

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**[P]HB10 General illumination lights; motorcycles.** Increases from four to five the maximum number of lights allowed on a motorcycle and used for general illumination ahead of the motorcycle. Current law restricts all motor vehicles to no more than four lights, including headlights, fog lights, etc., to provide general illumination ahead of the vehicle. This bill is identical to SB 25.

*Patron - Cole*

**[P]HB98 Special license plates for immediate family members of persons who have died in military service to their country.** Authorizes the issuance of special license plates

to immediate family members of a member of the Armed Forces of the United States who lost his or her life on or after March 29, 1973, while serving on active duty or while assigned to a Reserve or National Guard unit in a drill status.

*Patron - Cole*

**[P]HB117 Permits for excessive size.** Authorizes the Commissioner of the Department of Motor Vehicles to issue permits for vehicles transporting boats or other watercraft that exceed an outside width of 102 inches but do not exceed an outside width of 108 inches; under current law, no such vehicle shall exceed an outside width of 102 inches. This bill is identical to SB 719.

*Patron - Knight*

**[P]HB168 Passing stopped school buses; mailing of summons; rebutting presumption.** Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill also provides a means by which the existing presumption that the registered owner of the vehicle was the vehicle operator at the time of the violation can be rebutted and requires that this information be included with the mailing of the summons. The bill gives the summoned person 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation. This bill is identical to SB 120.

*Patron - LaRock*

**[P]HB172 Habitual offenders; restoration of driving privileges.** Clarifies that the recommendations from the Virginia Alcohol Safety Action Program (VASAP) evaluation that must be conducted when a habitual offender petitions for the restoration of his driving privileges or for the issuance of a restricted license shall be given such weight as the court deems appropriate.

*Patron - Albo*

**[P]HB213 Exceptions to motor vehicle inspection requirement.** Exempts from the motor vehicle safety inspection requirement vehicles that are parked on a public highway and have been submitted for inspection to an official inspection station. The bill contains technical amendments.

*Patron - LeMunyon*

**[P]HB267 Length of vehicle combinations.** Clarifies that the provision limiting vehicles coupled with another vehicle to a maximum combined length of 65 feet applies to motor homes and buses. The bill is declarative of existing law.

*Patron - Marshall, D.W.*

**[P]HB329 Amber lights on public transit buses.** Allows publicly owned or operated transit buses to use flashing amber lights. This bill is identical to SB 299.

*Patron - Villanueva*

**[P]HB374 Registration of vehicles owned or used by emergency medical services agencies.** Requires, upon application, the issuance of permanent license plates for emergency medical services vehicles owned by or under the exclusive control of a commercial or privately owned emergency medical services agency. This bill is identical to SB 91.

*Patron - Yancey*

**[P]HB388 Uninsured motor vehicle fee payment plan.** Allows the Department of Motor Vehicles to establish an uninsured motor vehicle fee payment plan to allow individuals to

pay the \$500 uninsured motor vehicle fee through an installment plan with the Department, when their driver's license and vehicle registration have been suspended as a result of failure to pay the uninsured motor vehicle fee. The bill has a delayed effective date of January 1, 2017.

*Patron - Habeeb*

**HB417 Department of Motor Vehicles transactions.** Allows the Department of Motor Vehicles (DMV) to enter into contracts with contractors of state or federal agencies to conduct customer service transactions on behalf of such agencies for the benefit of Virginia residents. The bill allows DMV to receive a portion of the transaction fee required by the responsible agency or contractor to defray DMV's costs, provides a \$1 discount for specified DMV licensing transactions conducted online, and ensures that DMV does not charge fees to federal, state, and local government agencies for information they request provided that such agencies do not charge the Commonwealth when it requests the same or similar information from those agencies. Finally, the bill provides for a driver's license classification for passenger cars and eliminates the requirement that individuals under the age of 21 who have one or more specified convictions retake the written driver's license examination. The bill contains technical amendments.

*Patron - Bagby*

**HB454 Motor vehicles equipped with television and video.** Provides that motor vehicles may be equipped with visual displays of moving images if the equipment is factory-installed and has an interlock device that disables the equipment when the motor vehicle operator is performing a "driving task," which is defined by the bill. Current law allows equipment with a visual display of a television broadcast or signal if the equipment's interlock disables when the motor vehicle is driven. The bill would allow the viewing of a visual display while the vehicle is being operated autonomously. The bill also provides that vehicles used by universities for vehicle technology research are not required to have government plates. This bill is identical to SB 286.

*Patron - Davis*

**HB507 Exceptions to motor vehicle inspection requirement.** Allows the purchaser of a motor vehicle, trailer, or semitrailer from an auto auction to operate such vehicle without a safety inspection from the auction to an official safety inspection station on the same day the purchaser removes the vehicle from the auto auction if the inspection station is located between the auction and the purchaser's residence or place of business or within a five-mile radius of such residence or place of business. The bill contains technical amendments.

*Patron - Villanueva*

**HB653 Consent to organ donation.** Eliminates the requirement that a person indicate his willingness to make an anatomical gift every time he renews or replaces his license. This bill is identical to SB 176.

*Patron - O'Bannon*

**HB730 Commuter parking lot signage.** Requires that signage in commuter parking lots owned by the Virginia Department of Transportation in Planning District 8 clearly indicate that parking in such lots is only for commuters using mass transit or who are car pool or bicycle riders.

*Patron - LeMunyon*

**HB747 Ownership of service facilities; exemptions.** Allows a manufacturer of engines for trucks having a gross vehicle weight rating of more than 7,500 pounds to own, oper-

ate, or control up to five service facilities in the Commonwealth.

*Patron - Greason*

**HB748 Certification of online driver education courses.** Allows driver training schools to provide computer-based driver education courses for the classroom portion of driver education. The Commissioner of the Department of Motor Vehicles is authorized to license such driver training schools as computer-based driver education providers.

*Patron - Greason*

**HB869 Definitions; nonresident.** Includes in the definition of "nonresident" for purposes of Title 46.2 (Motor Vehicles) a person who is in Virginia serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed. The bill provides that if vehicles owned by such nonresidents are registered in another state, those vehicles do not have to be registered in Virginia.

*Patron - Hugo*

**HB938 Third-party testers for commercial driver's licenses.** Provides that the Commissioner of the Department of Motor Vehicles may designate community colleges to administer the knowledge and skills tests required of applicants for a commercial driver's license.

*Patron - Wilt*

**HB939 State Police; guidelines for approval of auxiliary lighting on motorcycles.** Directs the Superintendent of State Police to establish guidelines by January 1, 2017, that set forth a procedure for the submission and approval of auxiliary lights for motorcycles. The bill requires any approved lights or equipment to be posted on the Department's website and for the Department to notify inspection stations of approved lights or equipment.

*Patron - Wilt*

**HB1032 Vehicle registration.** Clarifies that a locality may impose a penalty of up to \$250 upon the resident owner of a motor vehicle annually for as long as the motor vehicle remains unregistered in Virginia.

*Patron - Sickles*

**HB1060 Localities towing fees.** Provides that localities in Planning District 8 shall establish by ordinance (i) a hookup and initial towing fee of \$135; (ii) an additional fee of \$25 for towing at night, on weekends, or on a holiday; and (iii) that no fee pursuant to clause (ii) shall be charged more than twice for a tow. Under current law, \$135 is the maximum hookup and initial towing fee and \$25 is the permissible charge for towing at night, on weekends, or on a holiday.

*Patron - Hugo*

**HB1069 Toll collection procedures, fees, and penalties; period of nonpayment; notice of unpaid tolls; reciprocity agreements and enforcement.** Requires the Department of Transportation to allow E-ZPass account holders to provide an email or phone number and to electronically notify account holders of a toll violation and further requires toll operators to notify the Department of such toll violations. The bill amends the definition of high-occupancy toll (HOT) lanes to ensure that mass transit vehicles and commuter buses meet the high-occupancy requirement. The bill lengthens, from 30 to 60 days, the time period before the administrative fee increases from \$25 to \$100 for all toll violations. The bill decreases the civil penalties for an unpaid toll violation on the HOT lanes, making them equal to civil penalties for other toll violations, and allows the HOT lanes operator to offer reduced civil penalties if the owner of the vehicle pays within 14 days prior to the

hearing date, which is also permitted for other toll operators. For violations on any toll road, the bill provides that for a first conviction there is a cap of \$2,200 on civil penalties and administrative fees. The bill also provides for a 10-day grace period for unpaid tolls and requires toll operators to attempt to process and collect unpaid tolls twice during such period. The bill allows the Governor to enter into agreements on behalf of the Commonwealth with other states to provide for the enforcement of tolling violations occurring in Virginia on out-of-state residents and to enforce tolling violations in other states on Virginia residents. Reciprocity agreements with other states would provide for notification of the Commissioner of the Department of Motor Vehicles (DMV) or other similar entity in another state so that violators who have not paid would have their registration suspended in accordance with the agreement. The bill allows for agreements between toll operators or high-occupancy toll (HOT) lanes operators and DMV to include necessary information to enforce reciprocity agreements. The bill states that a toll violation on the HOT lanes is a traffic infraction and that a HOT lanes operator shall mail the statutorily required invoice for unpaid tolls, as is the case for other toll violations. The bill clarifies references to the issuance of summonses for toll violations and requires toll operators to attempt to collect tolls through a debt collector before mailing a summons. The bill provides for a two-year statute of limitations for all toll violations. The bill contains technical amendments. This bill incorporates HB 169 and HB 1070.

*Patron - Jones*

**HB1190 Issuance of certain special license plates.** Prohibits the DMV from issuing to registered sex offenders special license plates relating to children or children's programs or with revenues paid to funds for the benefit of children or renewing the registration for a vehicle that has been issued such license plates. The bill also provides that DMV shall not issue or renew personalized license plates to registered sex offenders if the requested personalization relates to or references children. This bill is identical to SB 666.

*Patron - Greason*

**HB1229 Excursion trains; certification requirements; liability of railroad company.** Removes the requirement that a passenger train be operated primarily in Buchanan, Campbell, or Washington County in order to be certified as an excursion train. The bill further removes the requirement that a locality pass a resolution to immunize a railroad company upon which an excursion train operates from liability for personal injury or wrongful death arising from the operation of the excursion train.

*Patron - Head*

**HB1232 Recalled motor vehicles.** Requires a manufacturer or distributor that establishes a program that prohibits dealers from selling used motor vehicles that have been issued a safety recall and remain unremedied to provide a remedy for each such vehicle or to compensate the dealer for costs when such program is enforced through penalty or loss of benefits. The bill requires a manufacturer or distributor to compensate dealers for recall repairs on the same basis as warranty repairs. Finally, the bill prohibits a manufacturer or distributor from using performance measurements to the detriment of a dealer when the dealer has vehicles it cannot deliver by law or by manufacturer or distributor program or directive. Violations of these provisions are subject to a civil penalty by the Motor Vehicle Dealer Board not to exceed \$1,000 per violation. This bill is identical to SB 709.

*Patron - Habeeb*

**HB1269 Vehicles owned or leased by maritime cargo terminal owners or operators.** Creates an exemption

from registration for vehicles owned or leased by a maritime cargo terminal owner or operator that transport seagoing containers and are driven on a route of no more than one mile approved by the Department of Motor Vehicles.

*Patron - Villanueva*

**HB1276 Motorcycle rider safety training courses.** Provides that "motorcycle rider safety training courses" means courses of instruction in the operation of motorcycles for the purposes of obtaining a waiver from the examination or road test for (i) both two-wheeled and three-wheeled motorcycles, (ii) two-wheeled motorcycles, or (iii) three-wheeled motorcycles.

*Patron - Robinson*

**HB1287 Behind-the-wheel and knowledge examinations.** Allows a person less than 19 years of age who has failed the behind-the-wheel examination for a driver's license three times to take a course of instruction based on the Virginia Driver's Manual before taking the examination a fourth time if such person has previously completed the classroom component of driver instruction at a driver training school.

*Patron - Carr*

**HB1312 Special license plates; MEG'S MILES.** Authorizes the issuance of special license plates for supporters of the safety of runners bearing the legend MEG'S MILES.

*Patron - Peace*

**HB1348 Smoking in motor vehicles; presence of minor under age eight; civil penalty.** Provides that any person who smokes in a motor vehicle, whether in motion or at rest, when a minor under the age of eight is in the motor vehicle is subject to a civil penalty of \$100. The offense may be charged on a uniform traffic summons form. The bill provides that such violation is a secondary offense.

*Patron - Pillion*

**SB25 General illumination lights; motorcycles.** Increases from four to five the maximum number of lights allowed on a motorcycle and used for general illumination ahead of the motorcycle. Current law restricts all motor vehicles to no more than four lights, including headlights, fog lights, etc., to provide general illumination ahead of the vehicle. This bill is identical to HB 10.

*Patron - Reeves*

**SB91 Registration of vehicles owned or used by emergency medical services agencies.** Requires, upon application, the issuance of permanent license plates for emergency medical services vehicles owned by or under the exclusive control of a commercial or privately owned emergency medical services agency. This bill is identical to HB 374.

*Patron - Marsden*

**SB117 Opening and closing motor vehicle doors.** Requires drivers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. A violation constitutes a traffic infraction punishable by a fine of not more than \$50.

*Patron - Petersen*

**SB120 Passing stopped school buses; mailing of summons; rebutting presumption.** Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill also provides a means by which



the existing presumption that the registered owner of the vehicle was the vehicle operator at the time of the violation can be rebutted and requires that this information be included with the mailing of the summons. The bill gives the summoned person 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation. The bill incorporates SB 16 and SB 74 and is identical to HB 168.

*Patron - Carrico*

**SB163 Local regulation of driving in flooded areas; penalty.** Allows localities to by ordinance prohibit any person from operating a motor vehicle or watercraft on a flooded street in such a manner as to increase the level of floodwaters to a level that causes or could reasonably be expected to cause damage to any real or personal property and creates a Class 4 misdemeanor for a violation of such ordinance. The bill requires a locality to post signs warning of the prohibition and penalties. This prohibition does not apply to law-enforcement officers, firefighters, emergency medical services personnel, or operators of Department of Transportation or utility vehicles in the performance of their official duties.

*Patron - Locke*

**SB176 Consent to organ donation.** Eliminates the requirement that a person indicate his willingness to make an anatomical gift every time he renews or replaces his license. This bill is identical to HB 653.

*Patron - Howell*

**SB286 Motor vehicles equipped with television and video.** Provides that motor vehicles may be equipped with visual displays of moving images if the equipment is factory-installed and has an interlock device that disables the equipment when the motor vehicle operator is performing a "driving task," which is defined by the bill. Current law allows equipment with a visual display of a television broadcast or signal if the equipment's interlock disables when the motor vehicle is driven. The bill would allow the viewing of a visual display while the vehicle is being operated autonomously. The bill also provides that vehicles used by universities for vehicle technology research are not required to have government plates. This bill is identical to HB 454.

*Patron - DeSteph*

**SB299 Amber lights on public transit buses.** Allows publicly owned or operated transit buses to use flashing amber lights. This bill is identical to HB 329.

*Patron - Ebbin*

**SB363 Rights of persons with disabilities in public places and places of public accommodation; fraudulent representation of a service or hearing dog; penalty.** Provides that any person who knowingly and willfully fits a dog with a harness, collar, vest, sign, or identification card commonly used by a person with a disability in order to represent that the dog is a service dog or hearing dog to fraudulently gain public access for such dog in a public place is guilty of a Class 4 misdemeanor.

*Patron - Reeves*

**SB375 Pickup or panel truck; definitions.** Amends the definitions of "pickup or panel truck" and "truck" for purposes of Title 46.2 (Motor Vehicles) so that pickup or panel trucks registered for personal use and with a gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds are not registered as trucks.

*Patron - Ruff*

**SB434 Special license plates; PROTECT POLLINATORS.** Changes the special license plates for supporters of pollinator conservation bearing the legend PROTECT POLLINATORS from nonrevenue sharing to revenue sharing and provides for the moneys to be allocated to the Virginia Department of Transportation to aid in the Pollinator Habitat Program.

*Patron - Barker*

**SB464 Gas-powered low-speed vehicles.** Includes in the definition of "low-speed vehicle" gas-powered vehicles that have a maximum speed of more than 20 miles per hour but not more than 25 miles per hour and are manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500. The current definition of "low-speed vehicle" only includes electrically powered vehicles that meet these criteria.

*Patron - Carrico*

**SB555 Learner's permit holder; passenger limits; use of cell phone; licensure requirements for persons under 18.** Prohibits a holder of a learner's permit from (i) using a cell phone while driving and (ii) having more than one passenger under age 21. Current law prohibits the holder of a provisional driver's license who is under the age of 19 from (a) having more than one passenger under age 21 unless a parent is present and (b) using a cellphone. The bill removes the exception that a provisional driver's license holder under age 18 may have more than one passenger under age 21 if a parent is present. The bill clarifies that the passenger limitations on all provisional driver's licenses do not include household or family members. The bill allows those who are at least 18 years old to be issued a driver's license after holding a learner's permit for 60 days instead of the current holding requirement of nine months for those under 19 years of age. The bill also requires only those driver's license applicants under 18 years of age to show proof of completion of a driver education program. Current law requires such proof of those under 19 years of age.

*Patron - Cosgrove*

**SB658 Technical changes; registration exemptions.** Clarifies that a person with a registration exemption is not required to obtain a registration certificate, license plates, or decals and makes the corresponding grammatical clarification throughout Article 6 (§ 46.2-662 et seq.) of Chapter 6 of Title 46.2.

*Patron - Newman*

**SB666 Issuance of certain special license plates.** Prohibits the DMV from issuing to registered sex offenders special license plates relating to children or children's programs or with revenues paid to funds for the benefit of children or renewing the registration of a vehicle that has been issued such license plates. The bill also provides that DMV shall not issue or renew personalized license plates to registered sex offenders if the requested personalization relates to or references children. This bill is identical to HB 1190.

*Patron - Black*

**SB709 Recalled motor vehicles.** Requires a manufacturer or distributor that establishes a program that prohibits dealers from selling used motor vehicles that have been issued a safety recall and remain unremedied to provide a remedy for each such vehicle or to compensate the dealer for costs when such program is enforced through penalty or loss of benefits. The bill requires a manufacturer or distributor to compensate dealers for recall repairs on the same basis as warranty repairs. Finally, the bill prohibits a manufacturer or distributor from using performance measurements to the detriment of a dealer when the dealer has vehicles it cannot deliver by law or by

manufacturer or distributor program or directive. Violations of these provisions are subject to a civil penalty by the Motor Vehicle Dealer Board not to exceed \$1,000 per violation. This bill is identical to HB 1232.

*Patron - McDougale*

**[F]SB719 Permits for vehicles transporting watercraft.** Authorizes the Commissioner of the Department of Motor Vehicles to issue permits for vehicles transporting boats or other watercraft that exceed an outside width of 102 inches but do not exceed an outside width of 108 inches; under current law, no such vehicle shall exceed an outside width of 102 inches. This bill is identical to HB 117.

*Patron - DeSteph*

## Failed

**[F]HB34 Safety inspections; appointments.** Allows any motor vehicle inspection station to accept appointments for safety inspections. Under current motor vehicle safety inspection rules and regulations, 19VAC30-70, a motor vehicle inspection station may accept appointments for safety inspections under certain conditions but only if it has at least one inspector and inspection lane that remain available for inspections on a first-come, first-served basis.

*Patron - Farrell*

**[F]HB37 Towing motor vehicles; companion animals.** Prohibits tow truck drivers and towing and recovery operators from knowingly towing a motor vehicle occupied by a companion animal.

*Patron - Kory*

**[F]HB50 Passing stopped school buses; mailing of summons.** Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus.

*Patron - Kory*

**[F]HB73 Driving while texting; fines.** Increases the fines for texting while driving from \$125 to \$250 for a first offense and from \$250 to \$500 for a second or subsequent offense.

*Patron - O'Bannon*

**[F]HB78 Failure to drive on right side of highways or observe traffic lanes; penalties.** Increases the fine for failing to drive on the right side of highways or failing to observe traffic lanes from no more than \$250 to \$300 per violation.

*Patron - O'Quinn*

**[F]HB99 Use of HOV lanes; exceptions.** Allows vehicles that have fewer than three occupants that display an installed E-ZPASS transponder and have paid the toll on the Interstate 95 HOT lanes to use HOV lanes of Interstate 395 during peak traffic periods.

*Patron - Cole*

**[F]HB140 Extensions of weight limits.** Increases the maximum gross weight of a motor vehicle eligible for an overload permit, based on axle spacing and number of axles on such vehicle, from 84,000 pounds to 90,000 pounds.

*Patron - Cole*

**[F]HB159 Special license plates; congenital heart defect awareness.** Authorizes the issuance of special license

plates for supporters of congenital heart defect awareness bearing the legend EVERY HEARTBEAT MATTERS.

*Patron - Orrock*

**[F]HB178 Commercial motor vehicles limited to use of certain lanes of Interstate 64; penalty.** Allows commercial motor vehicles to travel in the left-most lane of Interstate 64 in the Counties of Albemarle, Augusta, and Nelson except while traveling the area commonly known as Afton Mountain. The bill provides that any operator of a commercial motor vehicle who travels in the left-most lane while in the area commonly known as Afton Mountain is guilty of reckless driving punishable by a fine of \$500.

*Patron - Bell, Richard P.*

**[F]HB243 Passing stopped school buses; mailing of summons.** Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus.

*Patron - Minchew*

**[F]HB289 Local regulation of driving in flooded areas; penalty.** Allows localities to by ordinance prohibit any person from operating a motor vehicle or watercraft on a flooded street in such a manner as to increase the level of floodwaters to a level that causes or could reasonably be expected to cause damage to any real or personal property and creates a Class 4 misdemeanor for a violation of such ordinance. The bill requires a locality to post signs warning of the prohibition and penalties. This prohibition does not apply to law-enforcement officers, firefighters, emergency medical services personnel, or operators of Department of Transportation or utility vehicles in the performance of their official duties.

*Patron - Helsel*

**[F]HB296 Eluding police; penalty.** Provides that if a law-enforcement officer pursues a person who has disregarded a law-enforcement officer's signal to stop his motor vehicle and the person drives in willful and wanton disregard of such signal so as to interfere with or endanger the operation of the law-enforcement vehicle or to endanger another person and the law-enforcement officer suffers serious bodily injury as a direct and proximate result of the pursuit, the person is guilty of a Class 4 felony. Under current law, the law-enforcement officer must be killed in order for the Class 4 felony to apply.

*Patron - O'Quinn*

**[F]HB305 Issuance of certain special license plates.** Prohibits the DMV from issuing to registered sex offenders special license plates for supporters of the Family and Children's Trust Fund of Virginia bearing the legend KIDS FIRST or renewing the registration for a vehicle that has been issued such license plates.

*Patron - Simon*

**[F]HB341 Passing stopped school bus; mailing of summons; rebutting presumption.** Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus but may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill also provides a means by which the existing presumption that the registered owner of the vehicle was the vehicle operator at the time of the violation can be rebutted and requires that this information be included with the mailing of the summons. The bill gives the summoned person 30 busi-

ness days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation. The bill allows the Department of Motor Vehicles to release the name and address associated with the vehicle that unlawfully passed a stopped school bus to a video-monitoring system operator.

*Patron - Miller*

**HB371 Vehicles owned or leased by maritime cargo terminal owners or operators.** Creates an exemption from registration for vehicles owned or leased by a maritime cargo terminal owner or operator that transport seagoing containers and are driven on a route of no more than one mile approved by the Department of Motor Vehicles.

*Patron - Spruill*

**HB392 Revenue matching for special license plates for supporters of the Family and Children's Trust Fund.** Provides that for each special license plate issued for supporters of the Family and Children's Trust Fund, the Commonwealth will contribute \$15 to the Fund up to a total of \$250,000 each fiscal year.

*Patron - Krizek*

**HB410 Use of toy vehicle on highways.** Prohibits the use of a toy vehicle on any roadway or highway by eliminating exceptions that currently allow the use of toy cars on roadways and highways that have speed limits no greater than 25 miles per hour, have no more than two travel lanes, or are located within a residence district.

*Patron - Ingram*

**HB414 Toll violations at all-electronic toll facilities; administrative fees and period of nonpayment.** Lowers the administrative fee that is paid after 30 days of nonpayment of an unpaid toll from \$100 to \$50 and lengthens such period of nonpayment from 30 days to 60 days. The time period for notice to contest liability for a toll violation is extended from 60 to 90 days. The time period to file an affidavit stating that the owner of the vehicle was not the operator of the vehicle during the unpaid toll violation is extended from 14 to 30 days.

*Patron - James*

**HB506 Removal of trespassing vehicles.** Provides that a vehicle cannot be towed when an owner arrives within 15 minutes of the trespass. Current law prohibits towing while the owner is present.

*Patron - Kory*

**HB569 When headlights to be lighted.** Requires every vehicle in operation to display lighted headlights. Currently headlights are only required to be lit (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow.

*Patron - Robinson*

**HB594 Enforcement of traffic or motor vehicle laws; marked law-enforcement vehicles.** Requires that any law-enforcement vehicle used by an officer for enforcing traffic or motor vehicle laws be (i) marked in some distinctive manner that identifies the law-enforcement agency employing such officer and (ii) equipped with warning lights. The bill provides exceptions for an officer who (a) stops at the scene of an accident or to assist a disabled motor vehicle, (b) has probable cause to believe the operator of a motor vehicle has committed a felony or is driving under the influence, or (iii) stops the

operator of a motor vehicle who the officer reasonably believes constitutes a risk of causing imminent and serious bodily injury to any person.

*Patron - Marshall, R.G.*

**HB664 Lien of keeper of garage.** Prohibits the keeper of a garage from having a lien on a vehicle until after five business days have passed from the time the keeper took possession of the vehicle. The bill requires that the keeper of a garage make a reasonable attempt to notify the registered owner of the vehicle of the lien and that such lien for storage not exceed \$500.

*Patron - Pogge*

**HB695 Issuance of licenses, permits, and special identification cards to certain aliens.** Authorizes the Department of Motor Vehicles to issue temporary driver's licenses, permits, and special identification cards to aliens granted "withholding of removal" under 8 U.S.C. § 1231(b)(3), also found at § 241(b)(3) of the Immigration and Nationality Act, or under 8 C.F.R. § 1208.16(c), also referred to as the Convention Against Torture.

*Patron - Kory*

**HB853 Use of photo-monitoring systems for traffic lights; repeal.** Repeals the authority for localities to operate a photo-monitoring system for traffic light enforcement, colloquially known as a "photo red" program.

*Patron - Cline*

**HB885 Driver's licenses; treatment of federal convictions.** Provides that convictions for motor vehicle offenses committed on a federal reservation located within the Commonwealth shall be treated by the Commissioner of the Department of Motor Vehicles in the same manner as out-of-state convictions.

*Patron - Albo*

**HB915 Passing stopped school buses; mailing of summons.** Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus.

*Patron - Toscano*

**HB943 Lost certificate of title to motor vehicle, manufactured home, trailer, or semitrailer.** Requires the Department of Motor Vehicles (DMV) to investigate the circumstances of a lost certificate of title when an applicant for registration of a motor vehicle, manufactured home, trailer, or semitrailer is unable to present a certificate of title. Requires the DMV to issue the title once it is satisfied the applicant is entitled to the title. Under current law, the DMV is permitted to investigate such circumstances and issue a new title but is not required to do so.

*Patron - Wilt*

**HB946 Regulation of towing.** Bans the use of spotters by tow truck drivers and towing and recovery operators and requires the authorization or presence of the owner of the property from which a trespassing vehicle is being towed; the use of spotters and towing without such authorization are included as acts for which a consumer can file a complaint with the Division of Consumer Counsel at the Office of the Attorney General. The bill also includes as violations of the Virginia Consumer Protection Act prohibited acts by tow truck drivers and towing and recovery operators, violations of police towing,

and violations of local ordinances regulating police towing, price, and trespass towing.

*Patron - Keam*

**[F]HB948 Revenue sharing special license plates; non-qualifying entities.** Allows any entity or organization that does not otherwise qualify under current law for a revenue sharing special license plate to obtain such plate, provided that the revenue is used for elementary or secondary education.

*Patron - Keam*

**[F]HB987 Issuance of licenses, permits, and special identification cards to certain aliens.** Authorizes the Department of Motor Vehicles to issue temporary driver's licenses, permits, and special identification cards to aliens granted "withholding of removal" under 8 U.S.C. § 1231(b)(3), also found at § 241(b)(3) of the Immigration and Nationality Act, or under 8 C.F.R. § 1208.16(c), also referred to as the Convention Against Torture.

*Patron - Lopez*

**[F]HB1010 Use of tire chains.** Allows the Department of Transportation to require semitrailers to use tire chains from October 15 to April 15 whenever such requirement is posted using smart roadway technology.

*Patron - Rush*

**[F]HB1038 Motor vehicle safety inspections; window tinting.** Directs the Superintendent of State Police to amend regulations to require official safety inspection stations to notify customers that testing of window tint is not included in a motor vehicle safety inspection.

*Patron - Rasoul*

**[F]HB1043 Speeding; reckless driving.** Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged.

*Patron - Rasoul*

**[F]HB1070 Toll violations; reciprocity agreements; enforcement.** Allows the Commonwealth to enter into agreements with other states to provide for the enforcement of tolling violations occurring in Virginia on out-of-state residents and to enforce tolling violations in other states on Virginia residents. Reciprocity agreements with other states would provide for notification of the Commissioner of the Department of Motor Vehicles (DMV) or other similar entity in another state so that violators who have not paid would have their registration suspended in accordance with the agreement. The bill allows for agreements between toll operators or high-occupancy toll (HOT) lanes operators and DMV to include necessary information to enforce reciprocity agreements. The bill states that a toll violation on the HOT lanes is a traffic infraction and that a HOT lanes operator shall mail the statutorily required invoice for unpaid tolls, as is the case for other toll violations. The bill clarifies references to the issuance of summonses for toll violations. The bill provides for a two-year statute of limitations for all toll violations. The bill contains technical amendments. This bill was incorporated into HB 1069.

*Patron - Jones*

**[F]HB1071 Nonpayment of electronic tolls; civil actions.** Provides that no action to recover an unpaid electronic toll shall be brought until at least 120 days have elapsed from the date of the violation. Any such action shall only be brought in the locality in which the vehicle is registered, if registered in

the Commonwealth, or in the locality in which the violation occurred, if the vehicle is registered outside the Commonwealth. No judgment resulting from such action shall exceed five times the amount of the unpaid toll, including administrative fees and penalties. The bill provides for a one-year statute of limitations for all toll violations. The bill requires toll facilities that do not offer manual toll collection to accept cash at a physical location or by electronic funds transfer within 72 hours of the unpaid toll. The bill requires such toll operator to display signage notifying drivers of alternative routes that are not tolled and that payment in cash may be accepted within 72 hours of the unpaid toll.

*Patron - Heretick*

**[F]HB1082 Driving privilege card; eligibility.** Allows the Department of Motor Vehicles to issue a driving privilege card to those granted a period of stay authorized by the Attorney General of the United States who are not otherwise eligible for a temporary driver's license. The bill provides that such driving privilege card is subject to the same requirements and conditions as a temporary driver's license.

*Patron - Boysko*

**[F]HB1119 Exhaust system in good working order.** Requires that vehicles be equipped with an adequate exhaust system, defined to include a catalytic converter and muffler or mufflers. The bill removes the requirement that such system be of a type installed as standard factory equipment or comparable to that designed as standard factory equipment and not permit noise louder than standard factory equipment.

*Patron - Rush*

**[F]HB1173 Careless driving; cause of injury to vulnerable road user.** Provides that a person is guilty of a Class 1 misdemeanor and shall have his license suspended who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or person riding a bicycle, electric wheelchair, electric bicycle, wheelchair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle.

*Patron - Sullivan*

**[F]HB1185 Speeding; reckless driving.** Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour if the applicable speed limit is 70 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged.

*Patron - Sickles*

**[F]HB1221 Motor vehicle bumper heights.** Decreases from 14 inches to nine inches the distance bumpers of passenger motor vehicles must be from the ground.

*Patron - Cole*

**[F]HB1254 Special license plates; STOP GUN VIOLENCE.** Authorizes the issuance of special license plates for supporters of stopping gun violence bearing the legend STOP GUN VIOLENCE.

*Patron - Simon*

**[F]HB1256 Improper driving; jury.** Provides that a jury hearing a case involving a person charged with reckless driving where the accused's degree of culpability is slight may find the accused not guilty of reckless driving but guilty of improper driving, which is punishable as a traffic infraction. Currently, only the court hearing the case may find the accused guilty of improper driving.

*Patron - Lindsey*

**HB1296 Local regulation of all-terrain vehicles and off-road motorcycles.** Allows all cities and any town or county that maintains its own system of streets or roads and streets, respectively, to regulate, with certain conditions, the distance an all-terrain or off-road motorcycle may travel on streets under the locality's jurisdiction, provided that such distance does not exceed 10 miles.

*Patron - Morefield*

**HB1316 Temporary driver's licenses; eligibility.** Allows the Department of Motor Vehicles to issue a temporary driver's license valid for one year to an applicant who is otherwise unable to be issued one due to immigration status if such applicant (i) has established residency in the Commonwealth, (ii) has filed an income tax return with the Commonwealth, (iii) has registered with the Department of Homeland Security, and (iv) either demonstrates proof of a motor vehicle liability insurance policy in force for the year the license is to be valid or pays the \$500 uninsured motorist fee.

*Patron - Bloxom*

**HB1360 Bicycle helmets required to be worn by riders.** Requires every rider of a bicycle or electric power-assisted bicycle less than 18 years of age to wear a helmet. Currently, localities may by ordinance require riders of bicycles, electric power-assisted bicycles, electric personal assistive mobility devices, or toy vehicles who are 14 years of age or younger to wear helmets.

*Patron - Yost*

**HB1372 Autonomous vehicles and piloted vehicles; definition.** Defines "autonomous vehicles" and "piloted vehicles" for purposes of Title 46.2 (Motor Vehicles).

*Patron - Davis*

**HB1381 Special license plates; OVARIAN CANCER AWARENESS.** Authorizes the issuance of special license plates for supporters of curing ovarian cancer bearing the legend OVARIAN CANCER AWARENESS.

*Patron - Hester*

**SB16 Passing stopped school buses; mailing of summons.** Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill was incorporated into SB 120.

*Patron - Favola*

**SB45 Sons of Confederate Veterans special license plates.** Removes the prohibition of a logo or emblem on the design of the Sons of Confederate Veterans special license plates.

*Patron - Carrico*

**SB74 Passing stopped school buses; mailing of summons.** Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill was incorporated into SB 120.

*Patron - Wexton*

**SB141 Tow truck drivers and towing and recovery operators; complaints by consumers.** Removes motor carriers from the definition of consumers with regard to complaints

against tow truck drivers and towing and recovery operators. The bill effectively removes the ability of motor carriers to file complaints against tow truck drivers or towing and recovery operators with the Attorney General's Division of Consumer Counsel.

*Patron - Edwards*

**SB195 Lights on bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds.** Requires bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds operated between sunset and sunrise to have a red light visible from at least 500 feet to the rear. Current law requires such vehicles, except bicycles, to have a red reflector visible from 600 feet to the rear and requires bicycles to have a rear taillight emitting a red light visible from at least 500 feet between sunset and sunrise when operated on a highway with a speed limit of 35 mph or greater. A violation of this provision is punishable as a traffic infraction.

*Patron - Alexander*

**SB295 Toll violations at all-electronic toll facilities; administrative fees and period of nonpayment.** Lowers the administrative fee that is paid after 30 days of nonpayment of an unpaid toll from \$100 to \$50 and lengthens such period of nonpayment from 30 days to 60 days. The time period for notice to contest liability for a toll violation is extended from 60 to 90 days. The time period to file an affidavit stating that the owner of the vehicle was not the operator of the vehicle during the unpaid toll violation is extended from 14 to 30 days. This bill incorporates SB 334, SB 405, and SB 516.

*Patron - Lucas*

**SB334 Toll violations at all-electronic toll facilities; administrative fees and period of nonpayment.** Lowers the administrative fee that is paid after 30 days of nonpayment of an unpaid toll from \$100 to \$50 and lengthens such period of nonpayment from 30 days to 60 days. The time period for notice to contest liability for a toll violation is extended from 60 to 90 days. The time period to file an affidavit stating that the owner of the vehicle was not the operator of the vehicle during the unpaid toll violation is extended from 14 to 30 days. This bill was incorporated into SB 295.

*Patron - Locke*

**SB387 Regulation of towing.** Bans the use of spotters by tow truck drivers and towing and recovery operators and requires the authorization or presence of the owner of the property from which a trespassing vehicle is being towed; the use of spotters and towing without such authorization are included as acts for which a consumer can file a complaint with the Division of Consumer Counsel at the Office of the Attorney General. The bill also includes as violations of the Virginia Consumer Protection Act prohibited acts by tow truck drivers and towing and recovery operators, violations of police towing, and violations of local ordinances regulating police towing, price, and trespass towing.

*Patron - Surovell*

**SB390 Temporary visitor's driver's licenses.** Allows the Department of Motor Vehicles to issue a temporary visitor's driver's license to an applicant who is unable to present valid documentary evidence of legal permanent residency in the United States or conditional resident alien status, if certain requirements are met.

*Patron - Surovell*

**SB473 Flashing, blinking, or alternating amber lights on amateur radio vehicles.** Allows vehicles used or operated by federally licensed amateur radio operators to use

flashing, blinking, or alternating amber lights (i) while participating in emergency communications or drills on behalf of federal, state, or local authorities or (ii) to provide communications services to localities in the Commonwealth for public service events including marathons, foot races, or activities authorized by the Department of Transportation or the locality in which the event is being conducted.

*Patron - Wagner*

**[F]SB522 Motor vehicle safety inspection; exemption.** Exempts new motor vehicles from motor vehicle safety inspection for the first two years of ownership or operation after purchase.

*Patron - McPike*

**[F]SB572 Improper driving; jury.** Provides that a jury hearing a case involving a person charged with reckless driving where the accused's degree of culpability is slight may find the accused not guilty of reckless driving but guilty of improper driving, which is punishable as a traffic infraction. Currently, only the court hearing the case may find the accused guilty of improper driving.

*Patron - Surovell*

**[F]SB605 Reckless driving causing death or injury of certain persons; penalties.** Punishes reckless driving or a violation of the "move-over" law that causes death or permanent and significant physical impairment by striking a law-enforcement officer, emergency medical services personnel, highway worker, firefighter, or a DMV size and weight compliance agent who was not in a vehicle and on a public roadway or work zone engaged in his duties as a Class 5 felony with a \$2,500 mandatory minimum fine. The bill further requires the court to suspend the offender's driver's license for one year. In addition, the court may impose a civil penalty of up to \$10,000 and the proceeds shall be deposited into the general fund.

*Patron - Edwards*

**[F]SB630 Motorcyclists.** Allows individuals age 21 or older to operate or ride a motorcycle without wearing a helmet.

*Patron - Garrett*

**[F]SB663 Careless driving; cause of injury to vulnerable road user.** Provides that a person is guilty of a Class 1 misdemeanor and shall have his license suspended who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or person riding a bicycle, electric wheelchair, electric bicycle, wheelchair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle.

*Patron - Surovell*

**[F]SB697 Free use of toll facilities; motorcycles.** Allows motorcycles free use of all toll bridges, toll roads, and other toll facilities in the Commonwealth.

*Patron - Lucas*

**[F]SB768 Reckless driving; exceeding speed limit.** Raises from 80 to 85 miles per hour the speed above which a person who drives a motor vehicle on the highways in the Commonwealth is guilty of reckless driving regardless of the applicable maximum speed limit.

*Patron - Suetterlein*

**[F]SB778 Use of handheld personal communications devices while driving; penalty.** Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if per-

formed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purposes of navigation.

*Patron - Barker*

## Carried Over

**[C]HB75 Reckless driving; right to appeal.** Extends from 10 days to one year from the date of conviction the time during which a person who is convicted of a misdemeanor offense of reckless driving has a right to appeal such conviction if he was tried in his absence.

*Patron - Campbell*

**[C]HB461 Use of handheld personal communications devices while driving; penalty.** Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global position system for the purposes of navigation. The bill eliminates the current exemption from the prohibition on using a handheld personal communications device while operating a motor vehicle when the vehicle is stopped or not moving; the current exemption from the prohibition when the vehicle is parked is not affected.

*Patron - Anderson*

**[C]HB897 Revocation and suspension of registration of tow truck drivers.** Provides that the Department of Motor Vehicles shall not revoke or suspend the registration of a tow truck driver convicted of a violent crime if such tow truck driver's civil rights have been restored by the Governor.

*Patron - Yancey*

**[C]HB1042 Charges for information supplied by the Department of Motor Vehicles.** Exempts toll facility operators or their agents from being assessed a charge by the Department of Motor Vehicles for supplying information for official use.

*Patron - Villanueva*

**[C]HB1098 Practice of chiropractic; scope.** Expands the scope of the practice of chiropractic to include performing the physical examinations required of applicants for a new commercial driver's license or commercial learner's permit or a renewal of such license or permit.

*Patron - Villanueva*

**[C]SB35 Vehicle registration fees; funds for Department of State Police.** Raises the vehicle registration fee an additional \$1.25 per year on each July 1 from 2016 through 2025 and allocates the funds to the Department of State Police.

*Patron - Carrico*

**[C]SB379 Maximum speed limits; fines doubled.** Allows a county to provide by ordinance that fines for speed-

ing on a nonlimited access highway having four or more lanes in such county are doubled.

*Patron - Vogel*

**SB526 Motor vehicle safety inspections; single sticker.** Provides that passage of a motor vehicle safety inspection is a condition to registration or registration renewal. Motorists would be provided with a safety inspection decal that indicates the month of the vehicle's registration and requires that safety inspection stations obtain such decals from the Department of Motor Vehicles. The bill also provides for electronic submission of evidence of passage of a safety inspection to the Department of Motor Vehicles.

*Patron - McPike*

**SB591 Regulation of taxicab services by localities; background checks.** Requires localities to adopt ordinances requiring that a criminal history background check be performed before an individual is authorized as a driver and at least once every two years thereafter. The background check shall require individuals to submit fingerprints and personal identifying information to be provided directly to the Central Criminal Records Exchange, which shall forward the results of the state and national records search to the local government or chief law-enforcement officer of the locality.

*Patron - Obenshain*

**SB703 Charges for information supplied by the Department of Motor Vehicles.** Allows private toll facility operators to request DMV records and exempts private toll facility operators or their employees or agents from being assessed a charge by the Department of Motor Vehicles for supplying information for official use.

*Patron - Lucas*

**SB762 Special license plates; PROUD WOMAN VETERAN.** Authorizes the issuance of special license plates for supporters of Virginia Women Veterans bearing the legend PROUD WOMAN VETERAN.

*Patron - Dance*

## Notaries and Out-of-State Commissioners

### Passed

**HB189 Satisfactory evidence of identity; United States Passport Book and United States Passport Card.** Clarifies that both a United States Passport Book and a United States Passport Card are acceptable forms of identification of an individual for notarization. Current law states that a United States Passport is acceptable, but does not specifically include both as acceptable forms of identification. A United States Passport Card is not valid for travel by international air, but does include on it a photograph of the holder. Finally, the bill clarifies that all acceptable forms of identification must be unexpired. The bill contains a technical amendment.

*Patron - Bulova*

## Nuisances

### Failed

**HB244 Nuisance; property where breach of peace recurs.** Defines as a "nuisance" any property where repeated breaches of the peace occur and authorizes any person to maintain a civil action to enjoin the maintenance of the nuisance. The bill provides that a bond will be required if the complainant is a private person and sets out procedures for service of notice, requirement of a hearing on an application for a preliminary injunction, and conduct of the trial in an action seeking a permanent injunction. The bill allows the court to consolidate the trial with the hearing on the application for a preliminary injunction and makes evidence of the general reputation of the building and its occupants admissible in proving the existence of a nuisance. Finally, the bill establishes liability for later owners who fail to abate a continuing nuisance and allows the attorney for a locality to commence a forfeiture action if an order of abatement of a nuisance is violated.

*Patron - Ward*

## Pensions, Benefits, and Retirement

### Passed

**HB409 The Virginia Retirement System; technical corrections.** Makes technical corrections to programs administered by the Virginia Retirement System, some of which will become effective on January 1, 2017. This bill is identical to SB 51.

*Patron - Ingram*

**HB1245 Judicial Retirement System; mandatory judicial retirement.** Broadens the age 73 mandatory retirement provision to include all judges regardless of when elected by the General Assembly. The bill has a delayed effective date of June 1, 2017.

*Patron - Knight*

**SB51 The Virginia Retirement System; technical corrections.** Makes technical corrections to programs administered by the Virginia Retirement System, some of which will become effective on January 1, 2017. This bill is identical to HB 409.

*Patron - Howell*

### Failed

**HB69 Health insurance credits for retired school division employees.** Requires school divisions to provide a health insurance credit of \$4 per year of service to all retired members of local school divisions with at least 15 years of total creditable service. Currently, the \$4 per year health insurance credit is provided only to teachers, and non-teacher school division employees are eligible for a credit of \$1.50 per year of service, capped at \$45 per month, if the locality has elected such coverage. An enactment clause provides that this measure does apply to any local school division employee who retired on disability prior to July 1, 2016, if this measure would reduce



the monthly credit currently payable to such former member. Eligible employees who retired prior to July 1, 2016, but who did not receive a health insurance credit prior to that date will only receive the \$4 per year health insurance credit prospectively.

*Patron - McQuinn*

**[F]HB299 Virginia Law Officers' Retirement System; conservation officers.** Adds conservation officers of the Department of Conservation and Recreation as members of the Virginia Law Officers' Retirement System. Conservation officers would accrue retirement benefits under the Virginia Law Officers' Retirement System only for creditable service earned on or after July 1, 2016.

*Patron - Kilgore*

**[F]HB363 State Sickness and Disability Program.** Eliminates the one-year waiting period for eligibility for disability benefits for vested local government employees commencing employment in a state position covered under the Virginia Retirement System (VRS), State Police Officers' Retirement System, Virginia Law Officers' Retirement System, or the hybrid retirement program. Under current law, employees who enter state service on or after July 1, 2009, are required to wait one year before they can receive benefits under the state sickness and disability program for nonwork related disabilities. The bill eliminates this waiting period for local government employees who have at least five years of creditable service under VRS (including the hybrid retirement program) or the Law Enforcement Officers' Retirement System (LEORS) upon commencing employment in a state position with no break in service. In addition, for purposes of determining the disability benefit payable, the bill provides that any such employee upon entering state service will be deemed to have a beginning balance of months of state service equal to the number of months of VRS or LEORS creditable service credited to him as of his beginning employment date.

The provisions of the bill do not affect disability benefits payable or eligibility for such benefits relating to illnesses or injuries occurring prior to July 1, 2016.

*Patron - Loupassi*

**[F]HB408 Virginia Retirement System benefits.** Provides for an increase, beginning July 1, 2016, of the monthly retirement allowance payable to any person who retired with at least 15 years of creditable service before January 1, 1990, under the Virginia Retirement System or the State Police Officers' Retirement System (or predecessor retirement systems).

*Patron - Ingram*

**[F]SB5 Virginia Retirement System; health insurance credit.** Increases the monthly health insurance credit for retired local government employees, local officers, general registrars, employees of a general registrar, and employees of local social services boards from \$1.50 per year of creditable service with a cap of \$45, to \$4 per year of creditable service, with no cap.

*Patron - Stanley*

**[F]SB462 Investments by the Virginia Retirement System.** Prohibits the Virginia Retirement System (VRS) from investing in companies with current substantial business operations in Iran and requires VRS to divest itself of any current holdings in such companies by January 1, 2017, and within six months of identifying any such company.

*Patron - Carrico*

## Carried Over

**[C]HB1072 Virginia Retirement System; hybrid retirement program.** Modifies the hybrid retirement program by (i) increasing the mandatory employer contribution to the defined contribution component from 1% to 2% of creditable compensation, (ii) decreasing the employer's maximum matching contribution to the defined contribution component from 2.5% to 1.5% of creditable compensation, (iii) increasing the employee's mandatory contribution to the defined contribution component from 1% to 2% of creditable compensation, (iv) decreasing the employee's maximum contribution to the voluntary defined contribution component from 4% to 3% of creditable compensation, (v) decreasing from three years to two years the period in which a new member of the hybrid retirement program is required to make the maximum voluntary contribution to the defined contribution component, and (vi) decreasing the employee's contribution to the defined benefit component from 4% to 3% of creditable compensation. The bill also sets a new employee's voluntary contribution rate to the defined contribution component at 0.5% unless the employee opts out.

*Patron - Jones*

**[C]SB65 Virginia Sickness and Disability Program; open enrollment period.** Opens enrollment into the Virginia Sickness and Disability Program between October 1, 2016, and January 1, 2017, for eligible employees not currently participating in the program. Any employee electing to participate in the program would convert his sick leave balances to (i) additional retirement service credit on the basis of one month of service for each 173 hours of sick leave or (ii) disability credits on the basis of one hour of disability credit for each hour of sick leave. An election to participate in the program must be in writing and is irrevocable.

*Patron - Ruff*

**[C]SB168 Virginia Law Officers' Retirement System; annual supplement.** Adjusts the annual supplemental allowance under the Virginia Law Officers' Retirement System to continue until a member reaches Social Security retirement age. Current law would end the benefit at age 65.

*Patron - Ruff*

**[C]SB271 Adoption leave benefit.** Creates a new classification of paid leave for a state employee who adopts an infant. The amount of leave would be equivalent to the amount of paid leave awarded to an employee pursuant to short-term disability for maternity leave. The Department of Human Resource Management is directed to develop guidelines and policies for implementing the adoption leave benefit.

*Patron - Garrett*

**[C]SB353 Virginia Law Officers' Retirement System; conservation officers.** Adds conservation officers of the Department of Conservation and Recreation as members of the Virginia Law Officers' Retirement System. Conservation officers would accrue retirement benefits under the Virginia Law Officers' Retirement System only for creditable service on or after July 1, 2016.

*Patron - Deeds*

**[C]SB617 Virginia Law Officers' Retirement System; certain members of the enforcement division of the Department of Motor Vehicles.** Adds full-time sworn employees of the enforcement division of the Department of Motor Vehicles who have the powers of sheriffs for enforcing laws of the Commonwealth as members of the Virginia Law Officers' Retirement System.



ment System. Such employees would accrue retirement benefits under the Virginia Law Officers' Retirement System only for creditable service on or after July 1, 2016.

*Patron - McDougle*

## Persons with Disabilities

### Passed

**[P]HB415 Virginia Board for People with Disabilities; powers and duties.** Requires the Board for People with Disabilities to submit an annual report, beginning July 1, 2017, to the Governor that provides an in-depth assessment of at least two major service areas for people with disabilities. Under current law, the Board assesses the entire system on a triennial basis. The bill provides that the Board once every four years shall make available to the public all the service areas it intends to review over the following four years and shall ensure that such areas are reviewed at least once in the four-year period.

*Patron - Pogge*

**[P]HB420 Auxiliary grants; regulations.** Clarifies that regulations adopted by the Commissioner of the Department for Aging and Rehabilitative Services shall establish auxiliary grant rates for adult foster care homes and licensed assisted living facilities, the process for reporting and certification, and services to be provided to auxiliary grant recipients and paid for using auxiliary grant funds. The bill eliminates specific requirements for regulations related to reporting certain allowable costs and resident charges, the time period for reporting such costs, forms to be used, financial reviews, and audits of reported costs and clarifies processes for calculating auxiliary grant rates.

*Patron - Helsel*

**[P]HB676 DARS; work group to study financial exploitation of adults in the Commonwealth.** Directs the Commissioner of the Department for Aging and Rehabilitative Services (DARS), together with the Director of the Department for Planning and Budget or his designee, representatives of DARS' Adult Protective Services Unit and local department of social services' adult protective services units, law-enforcement agencies, financial institutions in the Commonwealth, and organizations representing elderly individuals and adults with disabilities, to determine the cost of financial exploitation of adults in the Commonwealth and develop recommendations for improving the ability of financial institutions to identify financial exploitation of adults, the process by which financial institutions report suspected financial exploitation of adults, and interactions between financial institutions and local adult protective services units investigating reports of suspected financial exploitation of adults and to report on his activities and recommendations to the Governor and the General Assembly by January 1, 2017.

*Patron - Peace*

**[P]HB740 Federal Rehabilitation Act.** Amends certain language in the Code of Virginia to conform to the federal Rehabilitation Act. The bill adds to the services to be provided through grants or contracts with centers for independent living to include services that (i) facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based residences, (ii) provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals may remain in the community, and (iii) facilitate the transition of

youth with significant disabilities, who were eligible for individualized education programs under the Individuals with Disabilities Education Act or who have completed their secondary education, to post-secondary life. The bill also requires that individualized plans for employment for recipients of vocational rehabilitation services provided or funded by the Department for Aging and Rehabilitative Services (DARS) be developed as soon as possible, but not later than 90 days after the due date of the determination of eligibility. The bill also repeals a section of the Code of Virginia that lists certain services employers may provide through projects with DARS designed to provide vocational rehabilitation in realistic employment settings and to provide on-the-job training for persons with disabilities.

*Patron - Yost*

**[P]HB816 Public Guardian and Conservator Advisory Board.** Removes from the membership of the Public Guardian and Conservator Advisory Board (the Advisory Board) one representative of the Virginia Guardianship Association. The bill also moves existing provisions relating to the Advisory Board from Title 2.2 (Administration of Government) to Title 51.5 (Persons with Disabilities) for administrative purposes.

*Patron - Peace*

**[P]HB1289 Department for the Blind and Vision Impaired; contacts for operation of certain vending machines.** Provides for the Department of General Services to conduct the procurement process for goods and services related to the operation of vending machines at rest areas on the interstate highways of the Commonwealth authorized by the Department for the Blind and Vision Impaired. The provisions of the bill do not affect any litigation pending as of January 1, 2016.

*Patron - Knight*

### Failed

**[F]HB270 Rights of persons with disabilities in public places and places of public accommodation; fraudulent representation of a service dog; penalty.** Provides that any person who knowingly, willfully, and fraudulently fits a dog with a harness, collar, vest, sign, or identification card commonly used by a person with a disability in order to represent that the dog is a service dog to fraudulently gain public access for such dog in a public place is guilty of a Class 4 misdemeanor.

*Patron - Cole*

## Police (State)

### Passed

**[P]HB301 Officer-involved shootings; reporting requirement.** Requires the Department of State Police to include any officer-involved shooting and whether such shooting was determined to be justified in the annual Crime in Virginia report. The bill requires that any law-enforcement or public safety officer required to make such report receive training concerning such reporting requirement.

*Patron - Herring*

**[P]SB608 Confiscation, reporting, and return of firearms by law enforcement.** Replaces current requirements that law-enforcement agencies report information regarding confis-

cated firearms to the Department of State Police with a requirement that such information be reported to a firearms tracing system maintained by the U.S. Department of Justice. The bill requires law-enforcement agencies to return stolen firearms to the rightful owner unless the person is prohibited from possessing the firearm or it is needed in a criminal prosecution.

*Patron - Reeves*

## Failed

**[F]HB35 State Police; reporting hate crimes.** Includes within the definition of "hate crime" a criminal act committed against a person because of sexual orientation or gender identification and requires the reporting of the commission of such crime to the State Police.

*Patron - Sullivan*

**[F]HB763 Local law enforcement and State Police; enforcement of federal regulations.** Prohibits local law enforcement or the Department of State Police from cooperating with a federal agency through the furnishing of police services for the purpose of enforcing a federal regulation that has not been made law by an act of Congress if the locality or the Department is conducting an active investigation of a violent crime.

*Patron - Freitas*

**[F]SB36 Department of State Police; appointment of supervisory officers.** Establishes a career progression program for state troopers and special agents based on years of satisfactory service. For State Troopers, the program provides for promotion to the rank of senior trooper after 10 years of service and promotion to the rank of Master Trooper after 20 years of service. For special agents, the program provides for a salary increase after 10 years and a salary increase and promotion to the rank of senior special agent after 20 years of service. The bill prohibits a sworn employee of the Department from receiving more than two career progression salary increases, regardless of such employee's assignment or promotion to special agent.

*Patron - Carrico*

## Prisons and Other Methods of Correction

## Passed

**[P]HB481 Compliance with detainers; U.S. Immigration and Customs Enforcement.** Prohibits the Director of the Department of Corrections, sheriff, or other official in charge of a facility from releasing an incarcerated alien for whom a lawful detainer order has been received from U.S. Immigration and Customs Enforcement, except to transfer custody of such alien to another facility or to an appropriate federal authority. The bill provides that an alien must be held in excess of his scheduled release date if federal or state law requires that such alien be held until transferred to an appropriate federal authority.

*Patron - Marshall, R.G.*

**[P]HB815 Method of execution.** Provides that if the Director of the Department of Corrections certifies that lethal injection is not available as a method of execution, electrocution shall be used instead, and vice versa. The bill also provides

that the Director shall not certify that lethal injection is not available as a method of execution unless the Director has made reasonable efforts to procure the lethal substances necessary to perform execution by lethal injection.

*Patron - Miller*

**[P]HB1322 Correctional officers; survey upon resignation, termination, employment transition.** Requires the Director of the Department of Corrections to develop and administer a survey of each correctional officer who resigns, is terminated, or is transitioned to a position other than correctional officer for the purpose of evaluating employment conditions and factors that contribute to or impede the retention of correctional officers.

*Patron - Rush*

**[P]SB124 Parole; transition assistance prior to parole or release.** Requires the Department of Corrections to offer prisoners prior to release the opportunity to participate in a transition program to include advice for job training opportunities, recommendations for living a law-abiding life, and financial literacy information.

*Patron - Stanley*

**[P]SB270 Compliance with detainers; U.S. Immigration and Customs Enforcement.** Prohibits the Director of the Department of Corrections, sheriff, or other official in charge of a facility from releasing an incarcerated alien for whom a detainer has been received from U.S. Immigration and Customs Enforcement, except to transfer custody of such alien to another facility or to an appropriate federal authority. The bill provides that an alien must be held in excess of his scheduled release date if federal or state law requires that such alien be held until transferred to an appropriate federal authority.

*Patron - Garrett*

**[P]SB350 Prisoners unable to give consent for medical or mental health treatment.** Adds licensed professional counselors and licensed clinical social workers to the list of providers who are required by court order to inform the court and the prisoner's attorney of any change in the prisoner's condition resulting in restoration of the prisoner's capability to consent to treatment.

*Patron - Deeds*

**[P]SB781 Transport of prisoners.** Provides that the sheriff or administrator in charge of a local or regional correctional facility and the employees of the facility acting on the direction of such sheriff or administrator have the authority to transport a prisoner for a lawful purpose to another jurisdiction (i) inside the Commonwealth or (ii) outside the Commonwealth and retain authority over such prisoner.

*Patron - DeSteph*

## Failed

**[F]HB91 Telephone systems within correctional facilities; commission payments.** Prohibits entities or agencies of the Commonwealth or political subdivisions thereof from receiving commission payments from companies that provide inmate telephone services.

*Patron - Hope*

**[F]HB107 Restoration of civil right to vote.** Provides for the automatic restoration of the civil right to be eligible to register to vote to persons convicted of nonviolent felonies

(excepting felony drug and election fraud crimes) upon completion of sentence, including any term of probation or parole, and the payment of all restitution, fines, costs, and fees assessed as a result of the felony conviction.

*Patron - Habeeb*

**HB223 Courthouse and courtroom security; assessment.** Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.

*Patron - Stolle*

**HB390 Parole; limitation on the application of parole statutes.** Provides that a person is entitled to parole who was sentenced by a jury prior to the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104 (June 9, 2000), in which the Court held that a jury should be instructed on the fact that parole has been abolished, for a noncapital felony committed prior to the time that the abolition of parole went into effect (January 1, 1995).

*Patron - Lindsey*

**HB630 Correctional officers; survey upon resignation, termination, employment transition.** Requires the Director of the Department of Corrections to develop and administer a survey of each correctional officer who resigns, is terminated, or is transitioned to a position other than correctional officer for the purpose of evaluating employment conditions and factors that contribute to or impede the retention of correctional officers.

*Patron - Bell, John J.*

**HB1031 Parole Board; parole review; required release.** Requires the Parole Board to release any person eligible and under consideration for and seeking parole for whom the Virginia Criminal Sentencing Commission has already determined, or who otherwise demonstrates, that his time served has exceeded the midpoint of the sentencing guidelines. The bill authorizes the Board to defer such release if there is substantial risk of serious criminal conduct or an inadequate release plan, in which case the Board is required to issue a reasoned decision explaining the basis for such deferral.

*Patron - Sickles*

**SB4 Weekend jail time.** Replaces the provision limiting nonconsecutive days in jail for the purpose of allowing the defendant to retain gainful employment with a good cause standard and allows the court to sentence the defendant to nonconsecutive days in jail only if the active portion of the sentence remaining to be served is 120 days or less. The bill allows the court to sentence felons to nonconsecutive days in jail if (i) the felony was not an act of violence as defined in § 19.2-297.1 and (ii) the Commonwealth does not object.

*Patron - Stanley*

**SB50 Courthouse and courtroom security; assessment.** Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.

*Patron - Howell*

**SB82 State Police; reporting hate crimes.** Includes within the definition of "hate crime" a criminal act committed against a person because of sexual orientation or gender identification and requires the reporting of the commission of such crime to the State Police.

*Patron - Favola*

**SB216 Parole; limitation on the application of parole statutes; exception.** Provides that an incarcerated person who was sentenced by a jury prior to June 9, 2000 for a felony that is not a violent offense is eligible for parole if the offense was committed on or after January 1, 1995 and prior to June 9, 2000 and the jury was not instructed on the abolition of parole. June 9, 2000 is the date of the Supreme Court of Virginia decision in *Fishback v. Commonwealth*, 260 Va. 104, in which the Court held that a jury should be instructed on the fact that parole has been abolished.

*Patron - Marsden*

**SB322 Telephone systems within correctional facilities.** Requires telephone systems in state correctional facilities to charge the lowest available rates and not impose any additional commissions or fees.

*Patron - Ebbin*

**SB724 Board of Corrections; powers and duties.** Restores the authority of the Board of Corrections (the Board) to (i) ensure the development of long-range programs and plans for corrections services provided at the state and local levels; (ii) review and comment on all budgets and requests for appropriations for the Department of Corrections (the Department) prior to submission to the Governor and on all applications for federal funds; (iii) monitor the activities of the Department and its effectiveness in implementing the standards and goals of the Board; and (iv) authorize the payment of medical expenses incurred by a prisoner after his release or discharge from the Department when such expenses are the result of an injury suffered by the prisoner while incarcerated and not caused by the misconduct of the prisoner. Chapter 375 of the Acts of Assembly of 2011 repealed the Board's authority to perform these tasks.

*Patron - Marsden*

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## Carried Over

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**HB1171 Board of Corrections; notification of tertiary care of prisoner.** Requires the Board of Corrections to promulgate regulations for state and local correctional facilities requiring that notification be made to a prisoner's family or stated emergency contact person whenever a prisoner is moved within or without his assigned facility for the purposes of tertiary care unless these are reasonable cause to believe that such notification is a threat to the safety of any person.

*Patron - Rush*

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## Professions and Occupations

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### Passed

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**HB221 Active duty health care providers at public or private health care facilities; provision of health care services in accordance with duties.** Changes the requirement that active duty health care providers in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States providing health care services at any public or private health care facility provide services in accordance with official military orders to a requirement that they provide services in accordance with official military duties.

*Patron - Stolle*

**HB239 Division of fees among physicians.** Clarifies rules prohibiting division of fees among physicians licensed to practice medicine or osteopathy in the Commonwealth and provides that rules prohibiting division of fees among physicians shall not prohibit (i) members of a group practice of physicians licensed to practice medicine or osteopathy from making any division of their total fees among themselves as they may determine; (ii) arrangements permitted under the Practitioner Self-Referral Act (§ 54.1-2410 et seq.); or (iii) certain payments, business arrangements, or payment practices that would be permitted in accordance with 42 U.S.C. § 1320a-7b(b)(3). This bill is identical to SB 201.

*Patron - O'Bannon*

**HB252 Assistant speech-language pathologists; duties.** Allows a person who has met the qualifications prescribed by the Board of Audiology and Speech-Language Pathology (the Board) to practice as an assistant speech-language pathologist in accordance with regulations of the Board and to perform limited duties that are otherwise restricted to the practice of a speech-language pathologist under the supervision and direction of a licensed speech-language pathologist. The bill also requires the Board to review the need for and impact of licensure or certification of assistant speech-language pathologists and report its findings to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2016.

*Patron - Kory*

**HB293 Prescription Monitoring Program; requirements of prescribers of opioids.** Requires a prescriber to obtain information from the Prescription Monitoring Program at the time of initiating a new course of treatment that includes the prescribing of opioids anticipated to last more than 14 consecutive days. Currently, a prescriber must request such information when a course of treatment is expected to last 90 days. The bill also eliminates the requirement that a prescriber request information about a patient from the Prescription Monitoring Program when prescribing benzodiazepine; allows a prescriber to delegate the duty to request information from the Prescription Monitoring Program to another licensed, registered, or certified health care provider who is employed at the same facility under the direct supervision of the prescriber or dispenser who has routine access to confidential patient data and has signed a patient data confidentiality agreement; and creates an exemption from the requirement that a prescriber check the Prescription Monitoring Program for cases in which (i) the opioid is prescribed to a patient currently receiving hospice or palliative care; (ii) the opioid is prescribed to a patient as part of treatment for a surgical procedure, provided that such prescription is not refillable; (iii) the opioid is prescribed to a patient during an inpatient hospital admission or at discharge; (iv) the opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy; (v) the Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or (vi) the prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record. The bill requires the Director of the Department of Health Professions to report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on utilization of the Prescription Monitoring Program and any impact on the prescribing of opioids. The provisions of the bill expire on July 1, 2019. This bill is identical to SB 513.

*Patron - Herring*

**HB310 Mobile dental clinics; exemption from registration requirements.** Adds to the list of mobile dental clinics exempt from the requirement to register with the Board of Dentistry mobile dental clinics operated by federally qualified health centers with a dental component that provides dental services via mobile model to adults and children within 30 miles of the federally qualified health center; mobile dental clinics operated by free health clinics or health safety net clinics that have been granted tax-exempt status pursuant to § 501(c)(3) of the Internal Revenue Code that provide dental services via mobile model to adults and children within 30 miles of the free health clinic or health safety net clinic; and mobile dental clinics that provide dental services via mobile model to individuals who are not ambulatory and who reside in long-term care facilities, assisted living facilities, adult care homes, or private homes.

*Patron - Orrock*

**HB314 Administration of drugs by certain school employees.** Provides that a prescriber may authorize an employee of a school for students with disabilities licensed by the Board of Education, or a private school accredited pursuant to § 22.1-19 of the Code of Virginia as administered by the Virginia Council for Private Education, who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia pursuant to a written order or standing protocol and provides immunity from civil damages to such employees for ordinary negligence in acts or omissions resulting from the rendering of such treatment, provided that the insulin is administered in accordance with the child's medication schedule or such employee has reason to believe the individual receiving the glucagon is suffering or about to suffer life-threatening hypoglycemia. The bill also allows nurse practitioners and physician assistants to provide training programs on the administration of drugs to students of private schools accredited pursuant to § 22.1-19 of the Code of Virginia as administered by the Virginia Council for Private Education.

*Patron - Orrock*

**HB319 Volunteer health care providers.** Requires health regulatory boards to promulgate regulations providing for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or issued a multistate licensure privilege by a health regulatory board through delivery of health care services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services. The bill has a delayed effective date of January 1, 2017.

*Patron - Rasoul*

**HB325 Practice of veterinary medicine.** Eliminates the exception to licensure requirements for veterinarians licensed in other states who are called to attend a case in the Commonwealth and who do not open an office or appoint a place to practice within the Commonwealth. The bill allows the Board of Veterinary Medicine (the Board) to grant or renew a license or registration to an applicant who has had a license to practice veterinary medicine, a license to practice as a veterinary technician, or registration to practice as an equine dental technician revoked or suspended due to nonrenewal in another state. The bill also repeals (i) provisions allowing the Board to issue temporary licenses to certain applicants and (ii) provisions related to penalties for violations of statutes governing the practice of veterinary medicine.

*Patron - Orrock*

**HB330 Registration of clinical nurse specialists.** Provides that the Board of Nursing may register an applicant as a clinical nurse specialist if such applicant is an advanced practice registered nurse who (i) holds a valid license to practice professional nursing and (ii) has successfully completed a graduate-level clinical nurse specialist program within a regionally accredited college or university that meets all educational qualifications and standards established by national certification guidelines and holds a national clinical nurse specialist certification that prepares the professional nurse to deliver advanced nursing services. The bill eliminates the duty of the Board of Nursing to approve programs that entitle professional nurses to be registered as clinical nurse specialists and to prescribe minimum standards for such programs.

*Patron - Pogge*

**HB386 Certified nurse aides; training in observational and reporting techniques.** Adds training in observational and reporting techniques to the list of training and education requirements for nurse aide training programs. This bill is identical to SB 328.

*Patron - Minchew*

**HB405 Professional and occupational licenses; temporary licenses for spouses of military service members.** Extends from six months to 12 months the temporary license, certification, or permit issued by any regulatory board in Title 54.1 of the Code of Virginia to applicants who are spouses of military service members to allow the respective regulatory board to complete its review of the documentation provided by the applicant or for the applicant to complete any specific requirements that may be required in Virginia that were not required in the jurisdiction in which the applicant holds the license, permit, or certificate.

*Patron - Yancey*

**HB498 TPA-certified optometrists; prescription of certain Schedule II controlled substances.** Provides that a TPA-certified optometrist who is authorized to prescribe controlled substances may issue prescriptions for or provide manufacturer's samples of analgesics included on Schedule II consisting of hydrocodone in combination with acetaminophen to his patients.

*Patron - Hodges*

**HB499 Professions and occupations; standards for regulation.** Provides that a professional and occupational regulatory board cannot abridge the right of every person to engage in any lawful profession, trade, or occupation of his choice unless (i) it is clearly found that such abridgment is necessary for the protection or preservation of the health, safety, and welfare of the public and (ii) any such abridgment is no greater than necessary to protect or preserve the public health, safety, and welfare. The bill also provides that any professional or occupational group or organization, any person, or any other interested party that proposes the regulation of any unregulated professional or occupational group shall submit a request to the Board of Professional and Occupational Regulation (the Board) no later than December 1 of any year for analysis and evaluation during the following year. The bill requires the Board to review the request only when filed with a statement of support for the proposed regulation signed by at least 10 members of the professional or occupational group for which regulation is being sought or at least 10 individuals who are not members of the professional or occupational group.

*Patron - Yancey*

**HB504 Renewal of certification as nurse aide.** Changes the frequency with which certification as a nurse aide must be renewed from biennially to annually.

*Patron - Garrett*

**HB527 Registration of nonresident medical equipment suppliers.** Requires any person located outside the Commonwealth other than a registered nonresident pharmacy that ships, mails, or delivers to a consumer in the Commonwealth any hypodermic syringes or needles, medicinal oxygen, Schedule VI controlled device, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, sterile water and saline for irrigation, or solutions for peritoneal dialysis pursuant to a lawful order of a prescriber to be registered with the Board of Pharmacy. The bill requires registrants to renew registration by March 1 of each year and to notify the Board of Pharmacy of any substantive change in information previously submitted to the Board within 30 days. The bill also requires nonresident medical equipment suppliers to maintain a valid, unexpired license, permit, or registration in the state in which it is located, if required by the resident state, or to furnish proof that it meets the minimum statutory and regulatory requirements for medical equipment suppliers in the Commonwealth if the state in which the nonresident medical equipment supplier is located does not require a license, permit, or registration. The bill also requires nonresident medical equipment suppliers to maintain records of distribution of medical equipment into the Commonwealth in such a manner that they are readily retrievable from records of distribution into other jurisdictions and to provide the records to the Board, its authorized agent, or any agent designated by the Superintendent of State Police upon request within seven days of receipt of such request.

*Patron - Hodges*

**HB528 Manufacture and distribution of prescription drugs in the Commonwealth.** Eliminates the requirement that the Board of Pharmacy establish and implement a pedigree system for recording each distribution of a controlled substance from sale by a pharmaceutical manufacturer to a dispenser or person who will administer the controlled substance; defines "co-licensed partner" as a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law, and specifies that a co-licensed partner may be a manufacturer of a controlled substance; and defines "third-party logistics provider" as a person who provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product. The bill specifies that bulk drug substances used for compounding drugs distributed by a supplier other than a licensed wholesale distributor or registered nonresident wholesale distributor must be provided by a supplier who is approved by the Board of Pharmacy as well as the federal Food and Drug Administration and requires every pharmacy, nonresident pharmacy, wholesale distributor, and nonresident wholesale distributor to comply with federal requirements for an electronic, interoperable system to identify, trace, and verify prescription drugs as they are distributed. The bill authorizes the Board of Pharmacy to deny, revoke, suspend, or take other disciplinary actions against holders of a third-party logistics provider permit, manufacturer permit, or nonresident manufacturer permit; applies the inspection and audit requirements that apply to wholesale distributors to nonresident wholesale drug distributors, third-party logistics providers, manufacturers, and nonresident manufacturers; creates a permitting process for third-party logistics providers; allows

holders of a manufacturer permit to distribute the drug manufactured, made, produced, packed, packaged, repackaged, relabeled, or prepared to anyone other than the end user without the need to obtain a wholesale distributor permit; and creates a process for registration of nonresident manufacturers of prescription drugs.

*Patron - Hodges*

**HB562 Licensure of massage therapists.** Requires that massage therapists be licensed, rather than certified, to practice in the Commonwealth. The bill directs the Board of Nursing to promulgate regulations to implement the provisions of the act within 280 days, provides that the Board of Nursing shall continue to issue certificates for massage therapy until the effective date of such regulations, and provides that any person holding a certificate to practice massage therapy prior to January 1, 2017, shall be deemed to be licensed thereafter and the Board of Nursing shall at the time of renewal provide to such person a license.

*Patron - Robinson*

**HB564 Optometrists; continuing education requirements.** Increases the total number of hours of continuing education required for optometrists from 16 to 20, requires that at least 10 of such hours be obtained through real-time interactive activities, and provides that no more than two of such hours may consist of courses related to recordkeeping or the management of an optometry practice, provided that such courses are not primarily for the purpose of augmenting the licensee's income or promoting the sale of specific instruments or products. For TPA-certified optometrists, the bill requires that at least 10 of the 20 hours be in the areas of ocular and general pharmacology; diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents; or new or advanced clinical devices, techniques, modalities, or procedures. The bill allows optometrists who complete more than 20 hours of continuing education in a year to carry forward up to 10 hours to the next year and provides that the Board of Optometry is not prevented or limited from requiring additional hours or types of continuing education as part or in lieu of disciplinary action.

*Patron - Robinson*

**HB567 Real Estate Board; duties of real estate licensees; residential real estate transactions.** Authorizes the Real Estate Board to take a disciplinary case against a licensee under advisement, defer a finding in such case, and dismiss such action upon terms and conditions set by the Board. Among other things, the bill (i) authorizes the Real Estate Board to grant exemptions or waive or reduce the number of continuing education hours required in cases of certified illness or undue hardship; (ii) requires the supervising broker of a branch office to provide the name and license number of each real estate licensee working in the branch; (iii) prohibits a real estate licensee in a residential real estate transaction from acting as a nonstandard agent; (iv) provides that standard agency only applies in residential real estate transactions; (v) clarifies that the agency provisions apply unless they are modified by the brokerage agreement; (vi) provides that the law relating to real estate licensees retained by sellers, buyers, tenants, or landlords to lease property or to manage property only applies to residential real estate transactions; (vii) provides that notwithstanding any other provision of law requiring written brokerage agreements or governing the duties of licensees, nothing shall be construed to require that a written agreement between a licensee and a prospective buyer or tenant be executed prior to the licensee's showing properties to the prospective buyer or tenant; (viii) deletes the disclosure of brokerage obligation in commercial transactions; and (ix) provides that commercial agents may only act as agents or independent con-

tractors. The bill also provides that nothing creates a civil cause of action against a real estate licensee for false information. The bill contains technical amendments.

*Patron - Miller*

**HB574 Dietitians and nutritionists.** Provides that a person who meets certain requirements may hold himself out as a dietitian or nutritionist, provided that he is employed by or under contract to a government agency and practices solely within the scope of such employment. The bill also defines "nutritional genomics" and requires a dietitian or nutritionist who receives nutritional genomics testing information to maintain such information in accordance with applicable federal and state law. In addition, the bill updates the names of organizations from which dietitians and nutritionists are authorized to receive professional certifications in order to practice in Virginia.

*Patron - Robinson*

**HB579 License to practice optometry; issuance without examination.** Repeals a provision allowing a person who has successfully passed an examination in optometry in another state and is the holder of a license to that effect issued by the licensing board of that state and who has conducted an ethical professional practice for at least one year to be issued a license to practice optometry in the Commonwealth without an examination.

*Patron - Robinson*

**HB580 Nurses; definitions.** Adds definitions of "advanced practice registered nurse," "certified nurse midwife," and "certified registered nurse anesthetist" as they apply to the licensing chapters of the Code of Virginia for the Boards of Medicine and Nursing.

*Patron - Robinson*

**HB581 Nurse practitioners; practicing outside of a patient care team.** Provides that in cases in which a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board of Medicine, or relocates his practice such that he is no longer able to serve, and a nurse practitioner who was part of the patient care team is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice without a patient care team physician for an initial period not to exceed 60 days upon notification to the designee of the Boards of Medicine and Nursing. The initial period may be extended for a period not to exceed 60 additional days upon approval of the Boards' designee, provided that the nurse practitioner provides evidence of efforts made to secure another patient care team physician and of access to physician input. This bill is identical to SB 264.

*Patron - Robinson*

**HB586 Confidentiality of certain information obtained by health regulatory boards in disciplinary proceedings.** Provides that in disciplinary actions involving allegations that a practitioner is or may be unable to practice with reasonable skill and safety to patients and the public because of a mental or physical disability, a health regulatory board shall consider whether to disclose and may decide not to disclose in its notice or order the practitioner's health records or his health services, although such information may be considered by the board in a closed hearing and included in a confidential exhibit to a notice or order. The bill provides that the public notice or order shall identify, if known, the practitioner's mental or physical disability that is the basis of its determination.

*Patron - Yost*

**HB629 Prescription drug disposal.** Provides that pharmacies may participate in voluntary drug disposal programs, provided that such programs are operated in accordance with state and federal law by a pharmacy, and requires the Board of Pharmacy to maintain a list of such pharmacies on a website maintained by the Board. The bill also provides that no person that participates in a drug disposal program shall be liable for any theft, robbery, or other criminal act related to participation in the pharmacy drug disposal program or for any acts of simple negligence in the collection, storage, or destruction of prescription drugs collected through such pharmacy drug disposal program, provided that the pharmacy practice site is acting in good faith and in accordance with applicable state and federal law and regulations.

*Patron - Hodges*

**HB657 Prescription Monitoring Program; indicators of misuse; disclosure of information.** Directs the Director of the Department of Health Professions to develop, in consultation with an advisory panel that shall include representatives of the Boards of Medicine and Pharmacy, criteria for indicators of unusual patterns of prescribing or dispensing of covered substances by prescribers or dispensers and authorizes the Director to disclose information about the unusual prescribing or dispensing of a covered substance by an individual prescriber or dispenser to the Enforcement Division of the Department of Health Professions.

*Patron - O'Bannon*

**HB707 Virginia Board for Contractors; methamphetamine manufacturing site remediators; disclosure.** Provides that a license as a contractor from the Board for Contractors is required in order to perform the remediation of residential property used to manufacture methamphetamine. The bill also (i) clarifies the exemption from contractor license requirements for janitorial, cleaning, or sanitizing services incidental to the construction, removal, repair, or improvement of real property, and (ii) adds to the disclosure requirements regarding the history of a property known to be a methamphetamine manufacturing site that the remediation of such property has been conducted by a contractor licensed by the Board.

*Patron - Minchew*

**HB738 Registered surgical technologists; registered surgical assistants; registration deadline.** Extends the deadline, from July 1, 2015, to December 31, 2016, by which individuals who practiced either as a surgical technologist or a surgical assistant prior to July 1, 2014, may register with the Board of Medicine to become a registered surgical technologist or registered surgical assistant.

*Patron - Garrett*

**HB741 Virginia Board for Asbestos, Lead, and Home Inspectors; licensing of home inspectors.** Provides that beginning July 1, 2017, home inspectors must be licensed by the Virginia Board for Asbestos, Lead, and Home Inspectors (the Board). Currently, home inspectors must be certified. The bill requires the Board to promulgate regulations to implement the provisions of the bill effective no later than July 1, 2017, and exempts the Board's initial adoption of such regulations from the Administrative Process Act (§ 2.2-4000 et seq.), with the exception that the Board must provide an opportunity for public comment prior to adoption. The bill contains a technical amendment. This bill is identical to SB 453.

*Patron - Miller*

**HB802 Veterinary technicians; supervision; reporting of animal cruelty.** Clarifies the licensing requirements for a veterinarian in charge of a licensed veterinary technician by specifying that the supervising veterinarian shall be licensed in

the Commonwealth or shall be employed by the Commonwealth or the United States while engaged in the performance of his official duties. The bill also removes the current prohibition on non-salary compensation of the veterinary technician for the performance of supervised acts relating to the treatment of an animal and expands, from a veterinarian to any person regulated by the Board of Veterinary Medicine, the category of persons granted immunity from civil or criminal liability or administrative sanction for reporting suspected animal cruelty.

*Patron - James*

**HB829 Prescribers of covered substances; continuing education.** Authorizes the Director of the Department of Health Professions to disclose information to the Board of Medicine about prescribers who meet a certain threshold for prescribing covered substances for the purpose of requiring relevant continuing education. The threshold shall be determined by the Board of Medicine in consultation with the Prescription Monitoring Program. The bill also directs the Board of Medicine to require prescribers identified by the Director of the Department of Health Professions to complete two hours of continuing education in each biennium on topics related to pain management, the responsible prescribing of covered substances, and the diagnosis and management of addiction. Prescribers required to complete continuing education shall be notified of such requirement no later than January 1 of each odd-numbered year. The provisions of the bill will expire on July 1, 2022.

*Patron - Stolle*

**HB1044 Prescription Monitoring Program; disclosures.** Provides that the Director of the Department of Health Professions may disclose information in the possession of the Prescription Monitoring Program about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. The bill also requires the Prescription Monitoring Program advisory committee to provide guidance to the Director regarding such disclosures. This bill is identical to SB 491.

*Patron - Landes*

**HB1058 Practice of veterinary medicine.** Provides that, effective July 1, 2018, the exemption from the requirements for licensure for veterinarians employed by the United States or the Commonwealth shall not apply to veterinarians engaged in the practice of veterinary medicine as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth and provides that the Board of Veterinary Medicine shall adopt regulations by July 1, 2018, for the licensure of persons engaged in the practice of veterinary medicine as part of such programs.

*Patron - Rush*

**HB1077 Drug Control Act; Schedule I.** Adds certain chemical substances to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months unless a general law is enacted adding the substance to the schedule. This bill is identical to SB 480.

*Patron - Garrett*

**HB1228 Department of Professional and Occupational Regulation; boxing and wrestling events; sanctioning organizations.** Enhances the conflict of interest provisions for



sanctioning organizations required for approval by the Director of the Department of Professional and Occupational Regulation (DPOR). The bill (i) reduces the compliance burden on sanctioning organizations by including specific participant safety criteria rather than referencing the entire law governing boxing and wrestling events, (ii) prohibits gate fees for amateur-only events conducted by sanctioning organizations, (iii) establishes an annual application fee of \$500, (iv) clarifies that amateur-only events may be conducted only under the purview of sanctioning organizations authorized by the Director of DPOR, and (v) exempts amateur boxing from regulation. The bill includes an emergency clause.

*Patron - Miller*

**HB1259 Auctioneers Board; continuing education; exception.** Provides that no continuing education shall be required for any auctioneer licensed by the Auctioneers Board for 25 years or more and who is 70 years of age or older. The bill contains technical amendments.

*Patron - O'Quinn*

**HB1292 Schedule IV drugs; eluxadoline.** Adds eluxadoline to the list of Schedule IV drugs. The bill contains a technical amendment.

*Patron - Pillion*

**HB1386 Firearms shows; voluntary background checks; penalties.** Requires the Department of State Police to be available to perform background checks for non-dealer sales at firearms shows if requested by a party involved in a transaction. The promoter of the firearms show shall furnish the Department of State Police sufficient facilities to perform the background checks. In order for the bill to become effective, the U.S. Department of Justice must approve the policies and procedures that the Department of State Police will use to implement the provisions of the bill. This bill is identical to SB 715.

*Patron - Lingamfelter*

**SB201 Division of fees among physicians.** Clarifies rules prohibiting division of fees among physicians licensed to practice medicine or osteopathy in the Commonwealth and provides that rules prohibiting division of fees among physicians shall not prohibit (i) members of a group practice of physicians licensed to practice medicine or osteopathy from making any division of their total fees among themselves as they may determine; (ii) arrangements permitted under the Practitioner Self-Referral Act (§ 54.1-2410 et seq.); or (iii) certain payments, business arrangements, or payment practices that would be permitted in accordance with 42 U.S.C. § 1320a-7b(b)(3). This bill is identical to HB 239.

*Patron - Dunnivant*

**SB212 Health regulatory boards; membership and terms.** Amends statutes governing membership and terms of various health regulatory boards. The bill (i) provides that members appointed by the Governor to serve on the Board of Health Professions for four-year terms under current law shall serve such terms or terms concurrent with their terms as members of health regulatory boards, whichever is less; (ii) increases the membership of the Health Practitioners' Monitoring Program Committee from seven to nine members by increasing the number of licensed, certified, or registered practitioners from seven to eight members and adding a citizen member; (iii) increases the membership of the Board of Nursing from 13 to 14 members by increasing the required number of registered nurse members from seven to eight and also increasing the number of such registered nurses who must be licensed nurse practitioners from one to two; and (iv) reduces the total number of members of the Board of Counseling from

14 to 12 by reducing the number of licensed substance abuse treatment practitioners from three to one. In addition, the bill replaces the requirement that three members of the Board of Counseling be clinical fellows of the American Association of Marriage and Family Therapy with a requirement that three members be licensed marriage and family therapists who have passed the examination for licensure as a marriage and family therapist and removes the requirement that at least two members representing each specialty on the Board of Counseling shall have been in active practice for at least four years.

*Patron - Dunnivant*

**SB248 Physical evidence recovery kit examination; minors.** Provides that if a parent or guardian of a minor refuses to consent to a physical evidence recovery kit examination of the minor, the minor may consent.

*Patron - Black*

**SB264 Nurse practitioners; practicing outside of a patient care team.** Provides that in cases in which a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board of Medicine, or relocates his practice such that he is no longer able to serve, and a nurse practitioner who was part of the patient care team is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice without a patient care team physician for an initial period not to exceed 60 days upon notification to the designee of the Boards of Medicine and Nursing. The initial period may be extended for a period not to exceed 60 additional days upon approval of the Boards' designee, provided that the nurse practitioner provides evidence of efforts made to secure another patient care team physician and of access to physician input. This bill is identical to HB 581.

*Patron - Dance*

**SB265 Health professions; Nurse Licensure Compact.** Replaces the current Nurse Licensure Compact to which Virginia is a party with a revised version. The current Nurse Licensure Compact is a multistate nursing compact that provides the structure for the reciprocal recognition of other states' licenses to practice as a registered nurse or a licensed practical nurse. The revised compact, among other changes, adds recognition of other states' licenses to practice as a licensed vocational nurse. The bill becomes effective upon adoption of the Nurse Licensure Compact by 26 states or on December 31, 2018, whichever occurs first. The bill repeals the current Nurse Licensure Compact, Article 6 (§ 54.1-3030 et seq.) of Chapter 30 of Title 54.1, effective on the date the new compact becomes effective. The bill also provides that the Virginia Nurses Association may request that the General Assembly reconsider the Nurse Licensure Compact if its constituency becomes dissatisfied with the Compact's provisions.

*Patron - Dance*

**SB287 Prescription Monitoring Program.** Provides that, beginning January 1, 2017, reports by dispensers to the Prescription Monitoring Program (the Program) shall be made within 24 hours or the dispenser's next business day, whichever comes later. The bill also allows the Director of the Department of Health Professions to disclose information about a specific recipient to a prescriber for the purpose of establishing the treatment history of the specific recipient when the prescriber is consulting on the treatment of such recipient; allows the Director to disclose information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in providing clinical consultation on the care and treatment of the recipient; removes the requirement that information disclosed to a dispenser for the purpose of



determining the validity of a prescription be disclosed only when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices; and provides that a prescriber may include information obtained from the Program for the purpose of establishing the treatment history of a specific recipient in the recipient's medical record.

*Patron - Wexton*

**[P]SB305 Department of Professional and Occupational Regulation; required notices related to the handling of asbestos.** Requires the Department of Professional and Occupational Regulation to provide with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors. This bill is a recommendation of the Virginia Housing Commission.

*Patron - Ebbin*

**[P]SB328 Nurse aide education programs.** Requires observational and reporting techniques to be included in the curriculum of nurse aide education programs used to prepare nurse aides for certification. This bill is identical to HB 386.

*Patron - Favola*

**[P]SB399 Practitioners of the healing arts; temporary authorization to practice.** Replaces the requirement for a temporary license or certification to practice medicine or the duties of a profession in the Commonwealth on a temporary basis with the requirement for authorization to so practice. The bill eliminates the requirement that the Board of Medicine promulgate regulations governing approval of the credentials of practitioners authorized to practice temporarily in the Commonwealth and the form of such authorizations.

*Patron - Dunnivant*

**[P]SB453 Virginia Board for Asbestos, Lead, and Home Inspectors; licensing of home inspectors.** Provides that beginning July 1, 2017, home inspectors must be licensed by the Virginia Board for Asbestos, Lead, and Home Inspectors (the Board). Currently, home inspectors must be certified. The bill requires the Board to promulgate regulations to implement the provisions of the bill effective no later than July 1, 2017, and exempts the Board's initial adoption of such regulations from the Administrative Process Act (§ 2.2-4000 et seq.), with the exception that the Board must provide an opportunity for public comment prior to adoption. The bill contains a technical amendment. This bill is identical to HB 741.

*Patron - Stanley*

**[P]SB463 Nurse practitioners; certified nurse midwives; practicing in consultation with a licensed physician.** Requires a nurse practitioner licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife to practice in consultation with a licensed physician and in accordance with a practice agreement with such physician. Under current law, certified nurse midwives are required to practice in collaboration with, in addition to consulting with, a licensed physician. The bill also repeals a pilot program authorizing certain certified nurse practitioners to practice with autonomy.

*Patron - Carrico*

**[P]SB480 Drug Control Act; Schedule I.** Adds certain chemical substances to Schedule I of the Drug Control Act. The Board of Pharmacy has added these substances to Schedule I in an expedited regulatory process. A substance added via this process is removed from the schedule after 18 months

unless a general law is enacted adding the substance to the schedule. This bill is identical to HB 1077.

*Patron - Obenshain*

**[P]SB491 Prescription Monitoring Program; disclosures.** Provides that the Director of the Department of Health Professions may disclose information in the possession of the Prescription Monitoring Program about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. The bill also requires the Prescription Monitoring Program advisory committee to provide guidance to the Director regarding such disclosures. This bill is identical to HB 1044.

*Patron - Hanger*

**[P]SB513 Prescription Monitoring Program; requirements of prescribers of opioids.** Requires a prescriber to obtain information from the Prescription Monitoring Program at the time of initiating a new course of treatment that includes the prescribing of opioids anticipated to last more than 14 consecutive days. Currently, a prescriber must request such information when a course of treatment is expected to last 90 days. The bill also eliminates the requirement that a prescriber request information about a patient from the Prescription Monitoring Program when prescribing benzodiazepine; allows a prescriber to delegate the duty to request information from the Prescription Monitoring Program to another licensed, registered, or certified health care provider who is employed at the same facility under the direct supervision of the prescriber or dispenser who has routine access to confidential patient data and has signed a patient data confidentiality agreement; and creates an exemption from the requirement that a prescriber check the Prescription Monitoring Program for cases in which (i) the opioid is prescribed to a patient currently receiving hospice or palliative care; (ii) the opioid is prescribed to a patient as part of treatment for a surgical procedure, provided that such prescription is not refillable; (iii) the opioid is prescribed to a patient during an inpatient hospital admission or at discharge; (iv) the opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy; (v) the Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or (vi) the prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record. The bill requires the Director of the Department of Health Professions to report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on utilization of the Prescription Monitoring Program and any impact on the prescribing of opioids. The provisions of the bill expire on July 1, 2019. This bill is identical to HB 293.

*Patron - Dunnivant*

**[P]SB551 Physician assistants.** Provides that it is unlawful for a person to use in connection with his name the words or letters "Physician Assistant" or "PA" unless he is a licensed physician assistant. The bill requires a physician assistant to enter into a written or electronic practice agreement with at least one supervising physician or podiatrist, to maintain evidence of such agreement, and to provide it to the Board upon request. The bill contains technical amendments.

*Patron - Cosgrove*

**[P]SB701 Cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture and provide.**

Authorizes a pharmaceutical processor, after obtaining a permit from the Board of Pharmacy (Board) and under the supervision of a licensed pharmacist, to manufacture and provide cannabidiol oil and THC-A oil to be used for the treatment of intractable epilepsy. The bill sets limits on the number of permits that the Board may issue and requires that the Board adopt regulations establishing health, safety, and security requirements for permitted processors. The bill provides that only a licensed practitioner of medicine or osteopathy who is a neurologist or who specializes in the treatment of epilepsy may issue a written certification to a patient for the use of cannabidiol oil or THC-A oil. The bill also requires that a practitioner who issues a written certification for cannabidiol oil or THC-A oil, the patient issued such certification, and, if the patient is a minor or incapacitated, the patient's parent or legal guardian register with the Board. The bill requires further that a pharmaceutical processor shall not provide cannabidiol oil or THC-A oil to a patient or a patient's parent or legal guardian without first verifying that the patient, the patient's parent or legal guardian if the patient is a minor or incapacitated, and the practitioner who issued the written certification have registered with the Board. Finally, the bill provides an affirmative defense for agents and employees of pharmaceutical processors in a prosecution for the manufacture, possession, or distribution of marijuana. An enactment clause provides that except for provisions requiring the Board to promulgate regulations, the provisions of the bill do not become effective unless reenacted by the 2017 Session of the General Assembly.

*Patron - Marsden*

**[P]SB712 Dental hygienists; remote supervision.**

Authorizes dental hygienists to practice, with certain requirements and restrictions, under the remote supervision of a licensed dentist. The bill directs the Board of Dentistry to promulgate regulations to implement the provisions of the act within 280 days of its enactment.

*Patron - McDougle*

**[P]SB715 Firearms shows; voluntary background checks; penalties.** Requires the Department of State Police to be available to perform background checks for non-dealer sales at firearms shows if requested by a party involved in a transaction. The promoter of the firearms show shall furnish the Department of State Police sufficient facilities to perform the background checks. In order for the bill to become effective, the U.S. Department of Justice must approve the policies and procedures that the Department of State Police will use to implement the provisions of the bill. This bill is identical to HB 1386.

*Patron - Edwards*

## Failed

**[F]HB212 Veterinary establishments; regulations; presentation of a deceased companion animal.** Directs the Board of Veterinary Medicine to adopt regulations requiring a veterinarian who is returning a deceased companion animal to its owner to use an acceptable method of presentation, including an appropriate container.

*Patron - LeMunyon*

**[F]HB278 Prescription of opioids and benzodiazepines; urine drug screening.** Provides that prior to initiating a course of treatment that includes the prescription of opioids or benzodiazepines for a period that is expected to last more than 90 consecutive days, a physician shall establish the medical and treatment history of the patient, which shall include per-

forming a physical examination of the patient and may include urine drug screening.

*Patron - Miyares*

**[F]HB290 Prescription Monitoring Program; indicators of misuse; disclosure of information.** Directs the Director of the Department of Health Professions to develop criteria for indicators of unusual patterns of prescribing or dispensing of covered substances by prescribers or dispensers and authorizes the Director to disclose information about the unusual prescriber or dispensing of a covered substance by an individual prescriber or dispenser to (i) the Enforcement Division of the Department of Health Professions or (ii) an agent who has completed the Virginia State Police Drug Diversion School designated by the Superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department for the purpose of an investigation into possible drug diversion.

*Patron - Herring*

**[F]HB427 Conversion therapy prohibited.** Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in conversion therapy with any person under 18 years of age. The bill defines "conversion therapy" as any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity. The bill provides that no state funds shall be expended for the purpose of conducting conversion therapy, referring a person for conversion therapy, extending health benefits coverage for conversion therapy, or awarding a grant or contract to any entity that conducts conversion therapy or refers individuals for conversion therapy.

*Patron - Hope*

**[F]HB482 Transfer of firearms; criminal history record information check; penalties.** Adds a definition of "firearms show vendor" or "vendor" and requires that a criminal history record information check be performed on the prospective transferee before the vendor may transfer firearms at a gun show. Under current law, only licensed dealers must obtain such a check. The bill also requires that the promoter of a firearms show provide vendors access to licensed dealers who will conduct the criminal history record information check.

*Patron - Kory*

**[F]HB492 Coercion of pregnant woman prohibited.** Provides that no practitioner of the healing arts shall make any attempt or take any action intended to coerce a pregnant woman regarding options related to the birth of her child, including consenting to surgical interventions related to the birth of her child.

*Patron - McClellan*

**[F]HB549 Birth control; definition.** Adds a definition of birth control: "Birth control" means contraceptive methods that are approved by the U.S. Food and Drug Administration. Birth

control shall not be considered abortion for the purposes of Title 18.2.

*Patron - Watts*

**[F]HB550 Bar exam; preservation of examination papers; access available to applicant.** Allows an applicant who failed the bar exam to review the essay questions and his answers by submitting a written request no later than 60 days after notice of failure to the applicant.

*Patron - Watts*

**[F]HB551 Certified nurse aides; continuing education.** Provides that the Board of Nursing shall require every certified nurse aide to complete 80 hours of continuing education within 120 days of certification.

*Patron - Watts*

**[F]HB612 Letters of diminished financial capacity.** Provides a procedure by which adults capable of making informed decisions may execute a revocable letter of diminished financial capacity, defined as a witnessed written document authorizing a financial institution to notify a trusted individual, as defined in the bill, when the declarant is exhibiting signs of diminished financial capacity. The bill provides that declarants may file a letter of diminished financial capacity with the Advance Health Care Directive Registry and the declarant's financial institution and requires financial institutions to keep letters of diminished financial capacity with their customer's financial records.

*Patron - Bell, Robert B.*

**[F]HB909 Nurse practitioners; practicing outside of a patient care team.** Authorizes a nurse practitioner to practice without the requirement for collaboration and consultation with a patient care team physician as part of a patient care team or a written or electronic practice agreement between the nurse practitioner and a physician in any clinic that is located in a medically underserved area of the state. The bill also grants prescriptive authority to such nurse practitioners.

*Patron - Minchew*

**[F]HB964 Board for Contractors; exemptions from licensure.** Exempts from licensure any person who performs the construction, removal, repair, or improvement of real property retained by a licensed contractor, provided that (i) such person (a) is authorized to transact business in the Commonwealth pursuant to one of the business entity statutes administered by the State Corporation Commission, (b) possesses a valid business license in accordance with Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1, and (c) carries workers' compensation insurance and other required insurance coverage and (ii) the work performed by such person is under the direct supervision and control of the retaining licensed contractor.

*Patron - Davis*

**[F]HB1049 Firearms show; State Police list of vendors or exhibitors.** Requires a promoter of a firearms show to include in the list of vendors or exhibitors it is required to submit to State Police information regarding whether a vendor or exhibitor sold or transferred a firearm. The bill removes the exemption from the creation of such list and the promoter notice requirement for towns with a population of not less than 1,995 and not more than 2,010, according to the 1990 United States census.

*Patron - Rasoul*

**[F]HB1265 Limits on dispensing of certain drugs; penalty.** Prohibits a practitioner of medicine, osteopathy, podiatry, or dentistry from (i) dispensing to a patient an amount of a controlled substance that exceeds the amount necessary for the

patient's use in a 72-hour period or (ii) dispensing a total amount of any controlled substance that exceeds 2,500 dosage units in any 30-day period. The bill further provides that a practitioner of medicine, osteopathy, podiatry, or dentistry who fails to comply with these requirements shall be subject to a civil penalty not to exceed \$5,000.

*Patron - Miyares*

**[F]HB1284 Treatment of a patient for Lyme disease.** Provides that when a patient elects treatment in accordance with a clinical practice guideline maintained by the National Guideline Clearinghouse for the treatment of Lyme or tick-borne disease and has been informed of the risks and benefits of such treatment, no health care provider shall be the subject of an investigation or hearing by the Board of Medicine for such treatment, absent gross negligence or willful misconduct.

*Patron - Minchew*

**[F]SB73 Lawyers; client accounts.** Repeals the provision prohibiting the Supreme Court of Virginia from adopting a disciplinary rule requiring that lawyers deposit client funds in an interest-bearing account on which the interest is required to be paid to any person or entity other than the client.

*Patron - Wexton*

**[F]SB262 Conversion therapy prohibited.** Prohibits any health care provider or person who performs counseling as part of his training for any profession licensed by a regulatory board of the Department of Health Professions from engaging in conversion therapy with any person under 18 years of age. The bill defines "conversion therapy" as any practice or treatment that seeks to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. "Conversion therapy" does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity. The bill provides that no state funds shall be expended for the purpose of conducting conversion therapy, referring a person for conversion therapy, extending health benefits coverage for conversion therapy, or awarding a grant or contract to any entity that conducts conversion therapy or refers individuals for conversion therapy.

*Patron - Surovell*

**[F]SB739 Labeling of drug products compounded by nonresident outsourcing facilities.** Prohibits any person from administering any drug product compounded by an outsourcing facility located outside the Commonwealth for any purpose unless such drug product is labeled with (i) the name and strength of the compounded medication or a list of the active ingredients and strengths, (ii) the outsourcing facility's assigned control number that corresponds with the compounding record, (iii) an appropriate beyond-use date as determined by the outsourcing facility in compliance with United States Pharmacopeia-National Formulary (USP-NF) standards for pharmacy compounding, and (iv) the quantity of the drug compounded.

*Patron - Surovell*

## Carried Over

**[C]HB838 Regulation of professions, occupations, and trades; criminal history.** Provides that questions related to an applicant's criminal history on any application for licensure, certification, registration, or authority shall be limited to those crimes that constitute a barrier to licensure, certification, registration, or authority by the applicable regulatory board or to employment in the profession, trade, or occupation for which a license, certification, registration, or authority is sought.

*Patron - McClellan*

**[C]HB839 State Library Board; retention of surveillance videos.** Requires the State Library Board to revise the retention schedule for surveillance videos, including visual or audiovisual recordings by license plate readers and body-worn camera systems utilized by state and local law-enforcement officers, in order that such recordings are retained for at least 60 days, regardless of whether such recordings pertain to an identified criminal investigation.

*Patron - McClellan*

**[C]HB900 Licensure and practice of associate physicians.** Authorizes the Board of Medicine to issue a two-year license to practice as an associate physician to an applicant who is 18 years of age or older, is of good moral character, has successfully graduated from an accredited medical school, has successfully completed Step 1 and Step 2 of the United States Medical Licensing Examination, and has not been engaged in a postgraduate medical internship or residency training program. The bill requires all associate physicians to practice in accordance with a practice agreement entered into between the associate physician and a physician licensed by the Board and provides for prescriptive authority of associate physicians in accordance with regulations of the Board. The bill requires the Board to promulgate such regulations to be effective no later than July 1, 2018.

*Patron - Stolle*

**[C]HB957 Board of Medicine; licensure of laser hair removal technicians.** Requires individuals who practice laser hair removal to be licensed by the Board of Medicine. The bill defines "laser hair removal" and establishes the Advisory Board on Laser Hair Removal to advise the Board of Medicine on this discipline. The bill has a delayed effective date of July 1, 2017.

*Patron - Keam*

**[C]SB689 Common Interest Community Board; membership.** Increases the membership of the Common Interest Community Board from 11 to 14 by adding (i) one member who serves or has served on the governing board of a common interest community that is not professionally managed at the time of appointment and (ii) two members who reside in a common interest community.

*Patron - Petersen*

## Property and Conveyances

### Passed

**[P]HB684 Condominium and Property Owners' Association Acts; rental of units and lots; disclosure packets.** Prohibits a unit owners' association or property owners' association from charging an annual or monthly rental fee or any

other fee not expressly authorized in the Condominium Act or Property Owners' Association Act, respectively. The bill also (i) provides that an association has no authority to evict a tenant; (ii) provides that if an owner designates a person licensed by the Real Estate Board as the owner's authorized representative with respect to any lease, the association shall recognize such representation without a formal power of attorney; and (iii) adds certain definitions regarding delivery and receipt of disclosure documents. The bill conforms the Property Owners' Association Act to the Condominium Act relating to provision of disclosure documents in electronic form and charges therefor. The bill contains technical amendments.

*Patron - Peace*

**[P]HB711 Protective orders in cases of family abuse; possession of premises.** Provides that in a protective order in the case of family abuse, a person who is not a tenant or authorized occupant of the dwelling unit and who has obtained a protective order from a court of competent jurisdiction granting such person possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide a copy of such order to the landlord and submit a rental application to become a tenant in such dwelling unit within 10 days of the entry of such order. If such person's rental application meets the landlord's tenant selection criteria, such person may become a tenant in such dwelling unit under a written rental agreement. If such person submits a rental application and does not meet the landlord's tenant selection criteria, such person shall vacate the dwelling unit no later than 30 days after the date the landlord gives such person written notice that his rental application has been rejected. If such person does not provide a copy of the protective order to the landlord and submit a rental application to the landlord within 10 days as required, such person shall vacate the dwelling unit no later than 30 days after the date of the entry of such order. Such person shall be liable to the landlord for failure to vacate the dwelling unit. The bill provides that any tenant obligated on a rental agreement shall pay the rent and otherwise comply with any and all requirements of the rental agreement and any applicable laws and regulations. The landlord may pursue all of its remedies under the rental agreement and applicable laws and regulations, including filing an unlawful detainer action to obtain a money judgment and to evict any persons residing in such dwelling unit. The bill contains a technical amendment.

*Patron - Watts*

**[P]HB735 Landlord and tenant laws.** Provides under the landlord and tenant law and the Virginia Residential Landlord and Tenant Act (VRLTA) that unless a tenant is at fault in cases of mold needing remediation, the landlord is obliged to pay all costs associated with the tenant's temporary relocation as well as the costs of mold remediation. Among other things, the bill (i) provides that, except for applicable lawful householder's exemptions, nothing affects the right of a landlord with respect to an inchoate or perfected lien of a landlord on the personal property of a tenant of any leased or rented commercial or residential premises or the right of such landlord to distress, levy, and seize such personal property as otherwise provided by law; (ii) clarifies that residential provisions under the landlord and tenant law do not apply to dwelling units under the VRLTA; (iii) provides that a landlord's collection agency and a third party providing background screening or credit reporting services to the landlord or his managing agent may have access to tenant records; (iv) allows the landlord to charge a tenant for his records, if the rental agreement so provides; (v) clarifies that a landlord is not obligated to make repairs to address damages identified in the move-in inspection report unless otherwise required to do so under the VRLTA; (vi) requires a tenant to maintain carbon monoxide detectors to the standards established in the Uniform Statewide Building Code; and (vii) pro-

vides that if, upon inspection of the dwelling unit, the landlord determines that repairs are necessary, the landlord may make such repairs and send the tenant an invoice for payment. If, upon inspection of the dwelling unit, the landlord discovers a violation of the rental agreement, the VRLTA, or other applicable law, the landlord may send a written notice of termination. If a tenant declines to permit the landlord or managing agent to exhibit the dwelling unit for sale or lease, the landlord may recover damages, costs, and reasonable attorney fees against such tenant. The bill contains technical amendments.

*Patron - Miller*

**HB746 Virginia Residential Property Disclosure Act; required disclosures; zoning and permitted uses of adjacent parcels.** Requires the disclosure to purchasers of the zoning classification or permitted uses of parcels adjacent to the parcel that is being purchased.

*Patron - Bell, John J.*

**HB1020 Unclaimed property; payment of property of deceased owner.** Provides a means for the State Treasurer to pay unclaimed property of a deceased owner to a claimant who provides certain evidence of his entitlement to payment, including (i) a certificate of qualification as the executor or an order of appointment as the administrator or personal representative of the decedent's estate; (ii) an affidavit authorizing the claimant to be the designated successor under the Small Estate Act that names the claimant as the designated successor; or (iii) the order of distribution or the final accounting for a closed estate that reflects payment is due in whole or in part to the claimant. If no such evidence is available and the owner of the property died at least one year prior to the filing of the claim and the amount claimed is \$15,000 or less, the claimant may submit an affidavit stating his claim to the property, and the State Treasurer may approve and pay such claim at his discretion. The bill also requires the State Treasurer to develop a plain English explanation of the right to make a claim in cases where the reported owner of the property is deceased and publish the form on the State Treasurer's website. This bill is identical to SB 408.

*Patron - Greason*

**HB1209 Landlord and tenant laws; tenant's assertions; forms of relief.** Provides that a general district court may (i) terminate a lease upon the request of the tenant or (ii) order the dwelling unit surrendered to the landlord if the landlord prevails on a request for possession in an unlawful detainer action. Under current law, the court may decide to terminate the lease without a request for termination by the tenant. The bill contains technical amendments. This bill is identical to SB 377.

*Patron - Collins*

**HB1264 Virginia Residential Property Disclosure Act; representations related to covenants and restrictions affecting the property.** Provides that, in delivering the residential property disclosure statement to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act, the owner makes no representations with respect to (i) any covenants and restrictions that may be recorded in land records that affect the real property or any improvements located on the property, (ii) zoning classification or permitted uses of adjacent parcels, or (iii) the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks. The bill also replaces a reference to "certified home inspection" with "home inspection," relating to a prospective purchaser's exercise of due diligence. The bill requires the Housing Commission to study the provisions of the Virginia Residential Property Disclosure Act to determine

whether the required disclosures contained in such Act may be consolidated or otherwise addressed in a more comprehensive way. The Housing Commission shall report its findings and any recommendations for legislation to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2016.

*Patron - Robinson*

**HB1290 Timber cutting; determination of damages; attorney fees.** Clarifies that any person found liable for the unauthorized removal of, or the direction of unauthorized removal of, timber from another's land must also pay reasonable attorney fees incurred by the owner of the timber to such owner. The bill is in response to the decision in *Chacey v. Garvey*, 2015 Va. LEXIS 185. This bill is identical to SB 687.

*Patron - Habeeb*

**SB204 Real estate settlement agents.** Adds to provisions relating to real estate settlement agents a new term, "closing disclosure," defined in the bill as the combined mortgage loan disclosure statement of final loan terms and closing costs prescribed under the Real Estate Settlement Procedures Act (12 U.S.C. § 2601 et seq.) and the Consumer Financial Protection Bureau Regulation X (12 C.F.R. Part 1024) and Regulation Z (12 C.F.R. Part 1026), to comply with changes made by the federal Consumer Financial Protection Bureau to the real estate closing process. The bill also makes the settlement agent's registration fee nonrefundable. The bill removes the requirement that the Bureau of Insurance notify the Virginia State Bar to terminate a settlement agent's registration upon termination of his last appointment because the Bureau, and not the Virginia State Bar, administers the licensing process.

*Patron - Stuart*

**SB237 Virginia Property Owners' Association Act; condemnation of common area; valuation.** Provides that, for the purposes of condemnation, the value of a portion of a common area of a property owners' association shall be based on the common area's highest and best use as though it were free from restriction to sole use as a common area. The bill also provides that it applies solely to condemnation actions, and no common area shall be reassessed for property tax purposes due to the passage of this act or the valuation standards described in the bill.

*Patron - Petersen*

**SB377 Landlord and tenant law; tenant remedies.** Provides that a general district court may (i) terminate a lease upon the request of the tenant, or (ii) order the dwelling unit surrendered to the landlord if the landlord prevails on a request for possession in an unlawful detainer action. Under current law, the court may decide to terminate the lease without a request for termination by the tenant. The bill contains technical amendments and is identical to HB 1209.

*Patron - Vogel*

**SB408 Unclaimed property; payment of property of deceased owner.** Provides a means for the State Treasurer to pay unclaimed property of a deceased owner to a claimant who provides certain evidence of his entitlement to payment, including (i) a certificate of qualification as the executor or an order of appointment as the administrator or personal representative of the decedent's estate; (ii) an affidavit authorizing the claimant to be the designated successor under the Small Estate Act that names the claimant as the designated successor; or (iii) the order of distribution or the final accounting for a closed estate that reflects payment is due in whole or in part to the claimant. If no such evidence is available and the owner of the property died at least one year prior to the filing of the claim and the amount claimed is \$15,000 or less, the claimant may

submit an affidavit stating his claim to the property, and the State Treasurer may approve and pay such claim at his discretion. The bill directs the State Treasurer to develop a plain English explanation of the right to make a claim in cases where the reported owner of the property is deceased and publish the form on the State Treasurer's website. This bill is identical to HB 1020.

*Patron - Vogel*

**[F]SB416 Limited Residential Lodging Act; penalty.** Establishes the Limited Residential Lodging Act (the Act), which allows persons to rent out their primary residences or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform. Localities are preempted from adopting ordinances or zoning restriction prohibiting such short-term rentals, but authorized to adopt ordinances requiring persons renting their primary residences to have a minimum of \$500,000 of liability insurance, prohibiting persons from renting their primary residences if they fail to pay applicable taxes, and requiring persons renting their primary residences to register with the locality. A hosting platform must register with the Department of Taxation to collect and remit all applicable taxes on behalf of the property owner using the hosting platform. The bill defines "limited residential lodging," "booking transaction," and "hosting platform" and provides for penalties for violations of the Act. The bill contains a reenactment clause and directs the Virginia Housing Commission to convene a work group to further study the issues presented in the bill and make recommendations for consideration by the 2017 Session of the General Assembly.

*Patron - Vogel*

**[P]SB687 Timber cutting; determination of damages; attorney fees.** Clarifies that any person found liable for the unauthorized removal of, or the direction of unauthorized removal of, timber from another's land must also pay reasonable attorney fees incurred by the owner of the timber to such owner. The bill is in response to the decision in *Chacey v. Garvey*, 2015 Va. LEXIS 185. This bill is identical to HB 1290.

*Patron - Petersen*

## Failed

**[F]HB17 Disclosure of industrial waste and sewage sludge on land.** Requires the owner of land upon which industrial waste or sewage sludge has been stored or to which industrial waste or sewage sludge has been applied pursuant to a permit issued by the Department of Environmental Quality (DEQ) to disclose such storage or application to a prospective purchaser or lessee of the land. If the owner of the subject land fails to make the disclosure in writing, on a form developed by the Real Estate Board in consultation with DEQ, prior to acceptance of a contract for the sale or lease of the subject land, the prospective purchaser or lessee may institute an action to recover actual damages. The disclosure and remedy provisions of the bill are similar to those in the Virginia Residential Property Disclosure Act.

*Patron - Ware*

**[F]HB366 Disposition of unclaimed property held by locality.** Limits the duty of a county, city, or town to report and remit abandoned intangible property by providing that intangible property that is held by a locality for the owner and that has remained unclaimed by the owner for more than one year after it became payable is presumed abandoned only if its value exceeds \$25.

*Patron - Davis*

**[F]HB548 Property Owners' Association Act; fees for disclosure packets.** Conforms the maximum fee that may be charged for an association disclosure packet by a property owners' association to that in corresponding provisions in the Condominium Act: (i) a fee not to exceed \$150 for no more than two hard copies of the association disclosure packet or (ii) a fee not to exceed a total of \$125 for an association disclosure packet in electronic format. The bill requires that such fees be adjusted every five years on the basis of the Consumer Price Index. The bill contains technical amendments.

*Patron - Watts*

**[F]HB595 Property rights of married women.** Repeals obsolete provisions in the Code of Virginia relating to property rights of married women. The bill retains provisions relating to (i) a spouse's responsibility for the other spouse's contract or tort liability to a third party and (ii) the abolishment of separate estates, by relocating those provisions to appropriate titles in the Code.

*Patron - Simon*

**[F]HB745 Virginia Residential Property Disclosure Act; required disclosures; septic tanks.** Adds to the mandatory disclosure for wastewater systems the provision that purchasers are advised to exercise whatever due diligence they deem necessary to determine the costs associated with any pump-out of septic tanks, annual inspection, and repair.

*Patron - Bell, John J.*

**[F]HB812 Limited Residential Lodging Act; penalty.** Establishes the Limited Residential Lodging Act (the Act), which allows property owners to rent out their homes or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform, under certain circumstances. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill defines "limited residential lodging," "booking transaction," and "hosting platform" and provides for penalties for violations of the Act. The bill also requires the Housing Commission to convene a work group with representation from the hotel industry, hosting platform providers, local government, state and local tax officials, property owners, and other interested parties to explore issues related to expansion of the framework set forth in the bill related to the registration, land use, tax, and other issues of public interest associated with the short-term rental of dwelling and other units that are not a person's principal residence. The work group shall take into consideration existing structures governing the activities of bed and breakfast inns, vacation rentals, and other transient occupancy venues. The work group shall complete its work by December 1, 2016, with the goal of developing draft legislation for consideration by the 2017 Session of the General Assembly.

*Patron - Peace*

**[F]HB1091 Definition of settlement statements; real estate settlement agents; certain disclosures required.** Requires that all settlement statements for transactions related to real estate include the following additional information: (i) the phone number and email address of the settlement agent; (ii) all receipts and disbursement made on behalf of both the buyer and seller; (iii) the commission paid to any real estate agent; and (iv) the loan amount, if any. The bill further requires that all settlement statements for transactions related to real estate be signed by both the buyer and the seller and be furnished electronically upon request. The bill removes from the definition of "settlement statement" a statement prescribed by the Real Estate Settlement Procedures Act of 1974. The bill directs the Office of the Executive Secretary of the Supreme

Court of Virginia, in conjunction with the Virginia State Bar, the State Corporation Commission, and the Real Estate Board, to promulgate a Uniform Settlement Statement form no later than July 1, 2017.

*Patron - Simon*

**HB1248 Private property; ownership of airspace.** Provides that a landowner of any private real property also owns the airspace above the property up to an altitude of 500 feet.

*Patron - Albo*

**HB1268 Limited Residential Lodging and Short-term Rental Lodging Act; penalty.** Establishes the Limited Residential Lodging and Short-term Rental Lodging Act (the Act), which allows (i) property owners to rent out their homes or portions thereof for a charge for periods of less than 30 consecutive days or (ii) short-term rentals of residential or commercial units; both of which may be transacted through a hosting platform, under certain circumstances. The bill requires an operator of either limited residential lodging or short-term rental lodging to register with the Department of Taxation. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill provides for the amount of license tax on such operators. The bill provides that any local ordinance requiring the use of the special exception, special use, or conditional use permit for short-term rental lodging contain specific provisions relating to noise, trash or recycling collection, and the posting of emergency information. The bill defines "limited residential lodging," "booking transaction," "hosting platform," "short-term lodger," short-term lodging operator," and "short-term rental lodging," and provides for penalties for violations of the Act.

*Patron - Taylor*

**SB238 Virginia Property Owner's Association Act; home-based businesses.** Provides that an association may not prohibit a lot owner from operating a home-based business within his personal residence if the operation of the home-based business is in compliance with all applicable state laws and local ordinances. Under current law, operation of a home-based business is prohibited only to the extent that the declaration is silent on the operation of home-based businesses. The association continues to be authorized to establish (i) reasonable restrictions as to the time, place, and manner of the operation of a home-based business and (ii) reasonable restrictions as to the size, place, duration, and manner of the placement or display of any signs on the owner's lot related to such home-based business.

*Patron - Petersen*

**SB311 Virginia Public Procurement Act; use of best value contracting; construction and professional services.** Authorizes any public body to procure construction on a best value procurement basis. Under the bill, if proceeding on a best value procurement basis, the Request for Proposal must contain a notice to potential offerors that the procurement decision will be made on a best value procurement basis and describe (i) the criteria that will be considered in evaluating the proposals and (ii) the rating or weighting system that will be used in evaluating the proposals, including a disclosure that price will be weighted at least 51 percent as a factor.

*Patron - McEachin*

**SB560 Foreclosure advertisements; posted at courthouse and on circuit court website.** Provides that, in lieu of newspaper advertisements, foreclosure sales shall be advertised at the courthouse and on the website of the circuit court

for the county or city in which the property to be sold is located, and that the clerk shall place a small notice in a newspaper having a general circulation in the city or county in which the property to be sold is located informing the public of the location of such advertisements.

*Patron - Norment*

**SB751 Limited Residential Lodging and Short-term Rental Lodging Act; penalty.** Establishes the Limited Residential Lodging and Short-term Rental Lodging Act (the Act), which allows (i) property owners to rent out their homes or portions thereof for a charge for periods of less than 30 consecutive days or (ii) short-term rentals of residential or commercial units; both of which may be transacted through a hosting platform, under certain circumstances. The bill requires an operator of either limited residential lodging or short-term rental lodging to register with the Department of Taxation. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill provides for the amount of license tax on such operators. The bill provides that any local ordinance requiring the use of the special exception, special use, or conditional use permit for short-term rental lodging contain specific provisions relating to noise, trash or recycling collection, and the posting of emergency information. The bill defines "limited residential lodging," "booking transaction," "hosting platform," "short-term lodger," short-term lodging operator," and "short-term rental lodging," and provides for penalties for violations of the Act.

*Patron - DeSteph*

## Carried Over

**HB710 Property Owners' Association Act; fees for disclosure packets.** Conforms the maximum fee that may be charged for an association disclosure packet by a property owners' association to that in corresponding provisions in the Property Owners' Association Act for associations that are professionally managed: (i) paper format, a fee not to exceed \$150 for no more than two hard copies or (ii) electronic format, a fee not to exceed a total of \$125 for an electronic copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, or the purchaser's authorized agent. The disclosure packet shall be provided directly to the designated persons at the same time it is delivered to the seller or his authorized agent. Only one fee shall be charged for the preparation and delivery of the disclosure packet. The bill requires that such fees be adjusted every five years on the basis of the Consumer Price Index. The bill contains technical amendments.

*Patron - Watts*

**SB290 Virginia Residential Property Disclosure Act; required disclosures pertaining to a National Aeronautics and Space Administration airfield.** Requires the owner of residential real property located in any locality in which a National Aeronautics and Space Administration airfield is located to disclose to the purchaser whether the subject parcel is located in a noise zone or accident potential zone, or both, if so designated on the official zoning map by the locality in which the property is located. The bill has a delayed effective date of 90 days after the adoption of a local zoning map by Accomack County designating parcels that are in a noise zone or accident potential zone, or both. In addition, the bill provides for Accomack County to notify the Virginia Code Commission upon adoption of the map.

*Patron - Lewis*



## Public Service Companies

### Passed

**[P]HB283 Electrical transmission line siting; hearing requested by locality.** Requires the State Corporation Commission (SCC) to hold at least one hearing in the area that would be affected by construction of an electrical transmission line of 138 kV or more, upon the request of the governing body of any county or municipality through which the line is proposed to be built. Currently the SCC is required to conduct a hearing in the affected area if requested by 20 or more interested parties. The measure also provides that the affected localities are given the same protections whenever a significantly different route is deemed desirable by the SCC. This bill is identical to SB 136.

*Patron - Minchew*

**[P]HB444 Notice to customers of renewable electric power options.** Requires the State Corporation Commission (SCC) to post on its website the names, telephone numbers, and available hyperlinks of suppliers of electric energy licensed to sell retail electric energy pursuant to a specific program. The measure applies to those suppliers that (i) expressly state in their applications for licensure, or for any renewal thereof, that they offer electric energy supplied from renewable energy to retail customers and (ii) request in any such applications that they be identified on the SCC's website as making such offers. The measure also requires each investor-owned electric utility to include at least once each calendar quarter in customer bills a notice directing them to the SCC's website. This bill is identical to SB 745.

*Patron - Loupassi*

**[P]HB611 Regulation of water and sewer utilities.** Makes water and sewer companies subject to the rules of the State Corporation Commission (SCC) regarding meetings and communications between SCC commissioners and any party, or between commissioners and staff, concerning any fact or issue arising out of a proceeding involving the regulation of rates, charges, services, or facilities of a utility. The bill requires a public utility to send notice of a proposed rate increase electronically to customers who receive bills electronically. Water or sewer utilities are required to publish notice of changes in rates, tolls, charges, rules, and regulations at least once in one or more newspapers in circulation in its franchise area. The measure bars the SCC from dispensing with notice requirements applicable to water and sewer companies. This bill is identical to SB 85.

*Patron - Bell, Robert B.*

**[P]HB756 9-1-1 Services Board.** Renames the E-911 Services Board as the 9-1-1 Services Board (the Board). The powers and duties of the Board are revised to authorize and direct it to (i) support and assist public safety answering points (PSAPs) in the provision of 9-1-1 operations and services; (ii) plan, promote, and assist in the statewide development, deployment, and maintenance of an emergency services IP network to support future 9-1-1 and other public safety applications and technologies; and (iii) consult and coordinate with other entities. An "emergency services IP network," among other things, provides an IP transport infrastructure that supports next generation 9-1-1 service core functions. "Next generation 9-1-1 service" is defined as a service that automatically directs 9-1-1 emergency telephone calls and other emergency service requests in data formats to the appropriate PSAPs by routing using geographical information system data. The mea-

sure expands the 9-1-1 Services Board to include a member representing VoIP service providers affiliated with cable companies. The measure also requires the 9-1-1 Services Board to develop or adopt and publish standards for an emergency services IP network and core next generation 9-1-1 services on that network to ensure that enhanced public safety telephone services seamlessly interoperate within the Commonwealth and with surrounding states.

*Patron - Lingamfelter*

**[P]HB1053 Investor-owned electric utilities; energy efficiency.** Directs the State Corporation Commission (SCC) to evaluate the establishment of uniform protocols for measuring, verifying, validating, and reporting the impacts of energy efficiency measures implemented by investor-owned electric utilities and the establishment of a methodology for estimating annual kilowatt savings and a formula to calculate the leveled cost of saved energy for such energy efficiency measures. The SCC shall submit a report of its findings and recommendations to the Governor and the General Assembly by December 1, 2016. This bill is identical to SB 395.

*Patron - Kilgore*

**[P]HB1220 Electric utility regulation; solar energy facilities.** Clarifies that a provision enacted in 2015 that authorizes an investor-owned electric utility to recover the costs of purchasing certain solar generation facilities through a rate adjustment clause did not alter existing provisions that authorize the utility to recover the costs of constructing certain other types of facilities. The measure contains a statement that it is declarative of existing law. The measure applies to any petition or application filed before the State Corporation Commission on or after July 1, 2015, and contains an emergency clause.

*Patron - Yancey*

**[P]HB1261 State Corporation Commission; interstate gas pipeline safety program.** Authorizes the State Corporation Commission (SCC) to seek delegation from the U.S. Secretary of Transportation (the Secretary) of authority to implement the safety inspection provisions of the federal Natural Gas Pipeline Safety Act of 1968. The federal Department of Transportation's Pipeline and Hazardous Materials Administration has jurisdiction over interstate gas pipeline safety programs. If the Secretary agrees, the SCC will be responsible for conducting the program in the Commonwealth. The SCC's authority to conduct safety inspections of interstate gas pipelines will commence the July 1 following the date the SCC receives its delegation of authority from the Secretary.

*Patron - Habeeb*

**[P]SB85 Regulation of water and sewer utilities.** Makes water and sewer companies subject to the rules of the State Corporation Commission (SCC) regarding meetings and communications between SCC commissioners and any party, or between commissioners and staff, concerning any fact or issue arising out of a proceeding involving the regulation of rates, charges, services, or facilities of a utility. The bill requires a public utility to send notice of a proposed rate increase electronically to customers who receive bills electronically. Every public utility providing water or sewer service is required to publish notice of changes in rates, tolls, charges, rules, and regulations at least once in one or more newspapers in circulation in its franchise area. The measure bars the SCC from dispensing with notice requirements applicable to water and sewer companies. This bill is identical to HB 611.

*Patron - Garrett*

**[P]SB136 Electrical transmission line siting; hearing requested by locality.** Requires the State Corporation Commission (SCC) to hold at least one hearing in the area that

would be affected by construction of an electrical transmission line of 138 kV or more, upon the request of the governing body of any county or municipality through which the line is proposed to be built. Currently the SCC is required to conduct a hearing in the affected area if requested by 20 or more interested parties. The measure also provides that the affected localities are given the same protections whenever a significantly different route is deemed desirable by the SCC. This bill is identical to HB 283.

*Patron - Favola*

**[P]SB395 Investor-owned electric utilities; energy efficiency.** Directs the State Corporation Commission (SCC) to evaluate the establishment of uniform protocols for measuring, verifying, validating, and reporting the impacts of energy efficiency measures implemented by investor-owned electric utilities and the establishment of a methodology for estimating annual kilowatt savings and a formula to calculate the leveled cost of saved energy for such energy efficiency measures. The SCC shall submit a report of its findings and recommendations to the Governor and the General Assembly by December 1, 2016. This bill is identical to HB 1053.

*Patron - Alexander*

**[P]SB745 Notice to customers of renewable electric power options.** Requires the State Corporation Commission (SCC) to post on its website the names, telephone numbers, and available hyperlinks of suppliers of electric energy licensed to sell retail electric energy pursuant to a specific program. The measure applies to those suppliers that (i) expressly state in their applications for licensure, or for any renewal thereof, that they offer electric energy supplied from renewable energy to retail customers and (ii) request in any such applications that they be identified on the SCC's website as making such offers. The measure also requires each investor-owned electric utility to include at least once each calendar quarter in customer bills a notice directing them to the SCC's website. This bill is identical to HB 444.

*Patron - Wagner*

**[P]SB748 Economic Development Infrastructure Act of 2016.** Authorizes an electric or natural gas public utility to conduct an Economic Development Program. Under such a Program, the utility is authorized to acquire utility right-of-way for a qualified economic development site. The measure establishes criteria for the Virginia Economic Development Partnership Authority to certify that a site is a qualified economic development site. The State Corporation Commission (SCC) is authorized to approve a proposal for a Program that satisfies certain conditions, including a finding that implementation of the Program will provide significant economic development benefits that might not otherwise be attained absent its approval. A utility's capital investment is capped at \$10 million in the aggregate of all of the utility's Programs and at \$5 million for any specific qualified economic development site. The Commission's approval of a proposed Program if it authorizes (i) a natural gas utility to recover costs incurred in implementing the Program through a supplemental surcharge paid only by its retail customers at the qualified economic development site that connect to natural gas line extensions installed in utility right-of-way or other interests in real property acquired through the Program or (ii) an electric utility to recover its transmission-related costs incurred in implementing the Program through a rate adjustment clause pursuant to existing provisions that address recovery of transmission expenses. The SCC shall not approve a Program proposed by a natural gas utility unless it finds that the associated charges resulting from implementation of the Program will not impact the rates of customers other than customers receiving service at the qualified economic development site. A Program shall not have as its

primary purpose the conversion of propane customers to natural gas or electricity. The measure does not authorize a natural gas utility or any firm, corporation, company, or partnership that is organized for the bona fide purpose of operating as a natural gas company to acquire utility right-of-way for or in furtherance of an interstate natural gas pipeline or related infrastructure. The measure does not change any existing law governing electric utility ratemaking and cost recovery, and provides that if an electric utility files a plan, any cost recovery shall be in accordance with existing law governing electric utility ratemaking and cost recovery.

*Patron - Wagner*

## Failed

**[F]HB533 Electrical transmission line siting; hearing requested by locality.** Requires the State Corporation Commission (SCC) to hold at least one hearing in the area that would be affected by construction of an electrical transmission line of 138 kV or more, upon the request of the governing body of any county or municipality through which the line is proposed to be built. Currently the SCC is required to conduct a hearing in the affected area if requested by 20 or more interested parties. The measure also provides that the affected localities are given the same protections whenever a significantly different route is deemed desirable by the SCC.

*Patron - Bell, John J.*

**[F]HB973 Renewable energy; efficient biomass.** Excludes inefficient biomass from the definition of renewable energy. The measure provides that renewable energy includes any biomass energy capacity, efficient or otherwise, in operation prior to January 1, 2016, and that on and after that date renewable energy may include the proportion of the thermal or electric energy from a facility that results from the co-firing of efficient biomass on or after January 1, 2016. "Efficient biomass" is defined as thermal or electric energy or combined heat and power from biomass generating units with an overall efficiency of 50 percent or greater on an annual basis. The measure directs how a unit's overall efficiency shall be determined on the basis of outputs of electrical generation and useful thermal energy output, which is defined in the bill as (i) including direct heat and other valid thermal end-use energy requirements for which fuel or electricity would otherwise be consumed and (ii) excluding thermal energy used for the purpose of drying or refining biomass fuel.

*Patron - Lopez*

**[F]HB1118 Natural gas companies; right of entry upon property.** Repeals the measure enacted in 2004 that allows interstate natural gas companies to enter upon property to make examinations, tests, hand auger borings, appraisals, and surveys without the written consent of the owner if the companies seek the landowner's permission to inspect and give notice of intent to enter. The repealed provision has granted to interstate natural gas companies the same limited right of entry for survey and study purposes that is granted to intrastate natural gas companies.

*Patron - Yost*

**[F]HB1137 Electric utilities; net energy metering; energy balancing devices; study.** Directs the State Corporation Commission to establish a program for eligible energy balancing customers, which are commercial or industrial customers that own an energy balancing device that provides value to the electric utility or regional transmission entity in the form of spinning reserve, frequency regulation, distribution system support, reactive power, demand response, or other

electric grid services. An energy balancing device means either a grid-integrated electric vehicle or an electric battery that absorbs and returns energy to the electric grid on either a second-to-second response basis that provides frequency regulation or on a longer-term daily response basis that returns that energy to the electric grid during peak periods of demand. An energy balancing device does not add net electricity to the grid over a net metering period. An eligible energy balancing customer will be credited for the electricity it adds to the grid at the rate charged for the customer's usage of electricity. The aggregate statewide capacity of energy balancing devices is limited to 25 megawatts. The measure also directs the State Corporation Commission to conduct a study of the effectiveness of, and benefits achieved from, the deployment of energy balancing devices. A report on the study's findings and recommendations is due by December 1, 2018. The measure sunsets on July 1, 2019.

*Patron - Toscano*

**[F]HB1174 Electric energy consumption reduction goal; progress reports.** Directs the Department of Mines, Minerals and Energy, in consultation with the staff of the State Corporation Commission, to report annually, commencing no later than December 15, 2017, on the progress the Commonwealth is making toward meeting the goal adopted in 2007 of reducing the consumption of electric energy by retail customers by the year 2022 by an amount equal to 10 percent of the amount of electric energy consumed by retail customers in 2006. The reports are to be made to the General Assembly and the Governor's Executive Committee on Energy Efficiency or, if that Committee ceases operations, to the Governor.

*Patron - Sullivan*

**[F]HB1180 Utility Transfers Act.** Prohibits any person from acquiring or disposing of control of any of the assets of a telephone company without prior approval of the State Corporation Commission (SCC). Currently, SCC approval is required only for any acquisition or disposal of a telephone company or all of the telephone company's assets. The measure also deletes the requirement that the SCC approve or disapprove an application within 60 days, which period may be extended for up to an additional 120 days. The measure requires the SCC to approve or disapprove an application in a timely manner.

*Patron - Heretick*

**[F]HB1378 Electrical transmission lines near hospital helipads.** Prohibits the State Corporation Commission from issuing a certificate of public convenience and necessity authorizing a public utility to construct an electrical transmission line with a capacity of 100 kV or more within 2,000 feet of an existing or approved hospital helipad.

*Patron - LeMunyon*

**[F]SB148 Renewable energy; third-party power purchase agreements.** Replaces the pilot program enacted in 2013 that authorized certain third-party power purchase agreements providing financing of certain renewable generation facilities. The measure requires the State Corporation Commission to establish third-party power purchase agreement programs for each electric utility. The existing pilot program applies only to Dominion Virginia Power and sets the maximum size of a renewable generation facility at one megawatt; the programs authorized by this measure apply to all electric utilities and do not set limits on the size of facilities. The measure also exempts sellers under third-party power purchase agreements from being defined as a public utility, public service corporation, public service company, or electric utility solely because of the sale of electricity or ownership or operation of a renewable generation facility.

*Patron - Edwards*

**[F]SB614 Natural gas companies; right of entry upon property.** Repeals a provision, enacted in 2004, that allows interstate natural gas companies to enter upon property to make examinations, tests, land auger borings, appraisals, and surveys without the written consent of the owner under certain circumstances.

*Patron - Edwards*

**[F]SB647 Renewable energy; efficient biomass.** Excludes inefficient biomass from the definition of renewable energy. The measure provides that renewable energy includes any biomass energy capacity, efficient or otherwise, in operation prior to January 1, 2016, and that on and after that date renewable energy may include the proportion of the thermal or electric energy from a facility that results from the co-firing of efficient biomass on or after January 1, 2016. "Efficient biomass" is defined as thermal or electric energy or combined heat and power from biomass generating units with an overall efficiency of 50 percent or greater on an annual basis. The measure directs how a unit's overall efficiency shall be determined on the basis of outputs of electrical generation and useful thermal energy output, which is defined in the bill as (i) including direct heat and other valid thermal end-use energy requirements for which fuel or electricity would otherwise be consumed and (ii) excluding thermal energy used for the purpose of drying or refining biomass fuel.

*Patron - Favola*

**[F]SB684 Utility vegetation management activities; civil penalties.** Requires utilities to give notice by first-class mail of planned vegetation management activities to customers, landowners, and local governments. The notice, which is required to be sent both not less than 60 days before the activities commence and again approximately two weeks before the activities commence, shall include a map of the site or parcels where activities are proposed and a description of the procedures by which the person to whom the notice is mailed may appeal the conduct of the planned vegetation management activities. The State Corporation Commission (SCC) shall require utilities to establish reasonable criteria for the conduct of vegetation management activities, which shall be consistent with guidelines to be adopted by the SCC that establish standards for the conduct of vegetation management activities. Vegetation management activities by any utility shall not alter, trespass upon, or limit the rights of any property owner. The measure requires the SCC, upon receipt of a written complaint, to investigate the situation. The measure also authorizes the SCC to impose a civil penalty against a utility that violates these requirements. One-half of the civil penalty collected by the SCC is to be paid to the owner of the property damaged by the violation that gave rise to the assessment of the civil penalty, and the other one-half is to be deposited in a special fund created by this bill and used for administration and enforcement activities.

*Patron - Black*

**[F]SB725 Competitive telephone companies.** Provides that an entity controlled by or related to a competitive telephone company shall not be considered an alternative provider of wireline or terrestrial wireless communications services. Currently, an incumbent competitive telephone company has a duty in its incumbent territory to extend or expand its facilities to furnish retail voice service and facilities if a customer does not have service available from an alternative provider of such services at prevailing market rates. The measure also provides that service provided by an entity that in any manner is controlled by or related to a local exchange telephone company is not be considered a reasonably adequate alternative to local exchange telephone service. Currently, the State Corporation Commission may determine whether the wireline or terrestrial

wireless communications service available to a party requesting service is a reasonably adequate alternative to local exchange telephone service.

*Patron - Edwards*

**[F]SB744 Electric utilities; line extensions to serve megasites.** Authorizes electric utilities to recover through their base rates the cost of extending lines to provide industrial-grade service to a megasite that is available for an economic development project. The fact that the current owner of the site will not be receiving the electric service will not bar the utility from recovering the costs of the service extension.

*Patron - Wagner*

**[F]SB761 Electric utilities; mandatory renewable portfolio standard.** Converts the existing voluntary renewable portfolio standard (RPS) program to a mandatory program. Under the new program, investor-owned electric utilities are required to make investments in solar energy generation, onshore wind generation, offshore wind generation, and cumulative energy efficiency savings that by calendar year 2030 meet RPS Standards. The standards incrementally increase until, in calendar year 2025 and thereafter, such sources account for 25 percent of the amount of total electric energy that the utility sold in 2007. At least one half of the electric energy counted toward the RPS Standards is required to be generated from sources located within the Commonwealth. An investor-owned electric utility that fails to comply with the RPS Standards established for the applicable year is required to pay a compliance fee of 10 cents for each kilowatt-hour of shortfall from required renewable sources.

*Patron - McEachin*

## Carried Over

**[C]HB40 Public safety answering points; deployment of text-to-9-1-1.** Requires each public safety answering point (PSAP) by July 1, 2019, to be able to receive and process calls for emergency assistance sent via text message.

*Patron - Kory*

**[C]HB352 Electric utilities; energy efficiency programs.** Requires the State Corporation Commission (SCC) to determine that an energy efficiency program proposed by an electric utility is in the public interest if the net present value of the benefits exceeds the net present value of the costs as determined by not less than three of the following benefit cost 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 measure deletes the current requirement that the SCC analyze all four tests and deletes a provision prohibiting the SCC from rejecting an energy efficiency program solely on the basis of the results of a single test.

*Patron - Ware*

**[C]HB575 Energy efficiency programs; total resource cost test.** Defines the "total resource cost test" as a test to determine if the benefit-cost ratio of a proposed energy efficiency program or measure is greater than one. The measure defines "benefit-cost ratio" as the ratio of the net present value of the total benefits of a program or measure, including savings and non-energy benefits, to the net present value of the total incremental costs of implementing that program or measure as calculated over the lifetime of the measures implemented thereunder. An energy efficiency program or measure that meets the total resource cost test is declared to be in the public interest. The measure provides that an energy efficiency pro-

gram or measure that fails the total resource cost test shall be reviewed by the State Corporation Commission (SCC) under other tests for approving energy efficiency. The total resource cost test is one of the four tests used by the SCC in assessing electricity and natural gas utility energy efficiency programs.

*Patron - Sullivan*

**[C]HB576 Electric and natural gas utilities; energy efficiency goals.** Requires investor-owned electric utilities, cooperative electric utilities, and investor-owned natural gas distribution utilities to meet incremental annual energy efficiency goals. Electric utilities are required to implement cost-effective energy efficiency measures to achieve the goal of two percent savings by 2031 and thereafter, with interim goals that start at 0.25 percent for 2017-2018 and increase in biennial increments of 0.25 percent until 2031. Gas utilities are required to achieve the goal of one percent savings by 2031 and thereafter, with interim goals that start at 0.125 percent for 2017-2018 and increase in biennial increments of 0.125 percent until 2031. The utilities are required to submit energy efficiency plans with the State Corporation Commission (SCC). The SCC (i) shall order changes to a plan submitted by a utility that does not demonstrate that the utility will achieve incremental annual energy efficiency goals; (ii) shall require utilities to commence compliance efforts with the incremental annual energy efficiency goals during calendar year 2017, though it may adjust the goal for 2017 if appropriate to address a partial year of implementation; (iii) may design performance incentives that reward utilities for exceeding efficiency goals; (iv) shall require utilities to report annually to the SCC on their efforts and progress in meeting the incremental annual energy efficiency goals; and (v) shall submit reports regarding compliance with the requirements of the incremental annual energy efficiency goals every five years.

*Patron - Sullivan*

**[C]HB618 Distributed electric generation; community solar gardens.** Authorizes the establishment of community solar gardens, which are required to be owned by a subscriber organization that has at least 10 subscribers. Subscribers will receive credits on their utility bills from energy generated at the solar facility in proportion to the size of their subscription. The output and renewable energy credits from a solar garden shall be purchased by the utility in the form of net metering credits allocated to the subscribers. To the extent that a subscriber's net metering credit exceeds the subscriber's electric bill in any billing period, the credit will be applied against future bills. If the electricity output of the community solar garden is not fully subscribed, the utility is required to purchase the unsubscribed renewable energy at a rate equal to the utility's average hourly incremental cost of electricity supply over the immediately preceding calendar year.

*Patron - Krizek*

**[C]HB908 Electrical transmission lines; effect on historic resources.** Requires the State Corporation Commission (SCC), prior to approving the construction of any electrical transmission lines of 138 kV or more, to determine that the corridor or route chosen for the line will avoid any adverse impact on the scenic assets, historic resources, and environment of the area concerned. If the SCC determines that no route or corridor exists that can avoid any such adverse impact, the SCC is directed to choose the corridor or route that minimizes such adverse impacts to the greatest extent reasonably practicable. Currently, the SCC is required to determine that such a line's corridor or route will reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned.

*Patron - Minchew*

**HB1285 Community energy programs.** Authorizes investor-owned electric utilities and electric cooperatives to establish a community energy program with a community subscriber organization. Under a community energy program, community subscribers and community subscriber organizations may participate in community net energy metering with mutually agreed community subscriber payment rates and community subscriber credit rates. A community subscriber (i) acquires a subscription that entitles him to a proportional interest in a renewable energy generation facility and (ii) receives a credit on his electric utility bill based on the community subscriber credit rate multiplied by his share of the facility's output.

*Patron - Minchew*

**HB1286 Distributed and renewable generation of electric energy; net energy metering and third party purchase agreements.** Exempts generators that are not organized as a public service company and that provide electric energy from renewable energy to retail customers under certain power purchase agreements from being defined as a public utility or a supplier. The measure authorizes retail customers to purchase electric energy from such generators provided that the renewable energy electricity generation source is located on property owned, leased, or otherwise controlled by the retail customer or any affiliated person. The net energy metering programs are amended to remove the one percent cap relative to total utility sales for net metered facilities. The State Corporation Commission is directed to establish separate net energy metering programs for eligible multi-meter customer-generators, who are customers that own or operate, or contracts with another person to own or operate, or both, a renewable energy generating facility that uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, does not have an aggregate generation capacity of more than one megawatt, and is used primarily to provide energy to metered accounts of the customer. The measure amends the Commonwealth's energy policy by adding the goals of encouraging private sector distributed renewable energy, increasing security of the electricity grid by supporting distributed renewable energy projects, and augmenting the exercise of private property rights by landowners desiring to generate their own energy from renewable energy sources on their lands.

*Patron - Minchew*

**SB139 Electric utility regulation; agricultural net energy metering.** Allows an otherwise-eligible agricultural customer-generator to participate in an electric utility's net energy metering program if it is to be served by multiple meters located on one parcel or on multiple adjacent parcels. Currently, such an agricultural customer-generator may be served by multiple meters that are located at separate but contiguous sites.

*Patron - Edwards*

**SB140 Electric utilities; net energy metering; standby charges.** Increases the size of electrical generating facilities operated by residential or agricultural net energy metering customers that are subject to a monthly standby charge from those with a capacity of 10 kilowatts to those with a capacity of 20 kilowatts.

*Patron - Edwards*

**SB779 Electric utility regulation; net energy metering.** Authorizes any eligible customer-generator or eligible agricultural customer-generator to enter into a contract to sell any net metering eligible energy exceeding the eligible customer-generator's or eligible agricultural customer-generator's own energy demand for any monthly period to any other retail customer within the same service territory of the incumbent

utility. The measure increases the maximum size of the aggregate generating facility that qualifies for (i) the agricultural net energy metering program from 500 kilowatts to two megawatts, (ii) the net metering program for residential eligible customer-generators from 20 kilowatts to 50 kilowatts, and (iii) the net metering program for nonresidential eligible customer-generators from one megawatt to two megawatts. The measure replaces the existing provision that allows an eligible agricultural customer-generator to be served by multiple meters that are located at separate but contiguous sites with a provision that allows such a customer-generator to be served by multiple meters that are located on one parcel or on multiple adjacent parcels. The measure repeals the provision that caps the size of a generation facility of an eligible customer-generator at his expected annual energy consumption. The measure also (a) replaces the existing provision that provides that an eligible customer-generator or eligible agricultural customer-generator will be paid for excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the State Corporation Commission with a requirement that they will be paid at a rate equal to the customer-generator's approved customer rate schedule plus all applicable riders and (b) repeals the provision that limits the net energy metering programs to one percent of each electric distribution company's adjusted Virginia peak-load forecast for the previous year.

*Patron - Stuart*

## Religious and Charitable Matters; Cemeteries

### Passed

**HB791 Act for Religious Freedom.** Reaffirms that the religious rights asserted in § 57-1 of the Code of Virginia are the natural and unalienable rights of mankind.

*Patron - Adams*

**SB41 Religious freedom; solemnization of marriage.** Provides that no person shall be (i) required to participate in the solemnization of any marriage or (ii) subject to any penalty, any civil liability, or any other action by the Commonwealth, or its political subdivisions or representatives or agents, solely on account of such person's belief, speech, or action in accordance with a sincerely held religious belief or moral conviction that marriage is or should be recognized as the union of one man and one woman. The bill defines "person" as any (a) religious organization, (b) organization supervised or controlled by or operated in connection with a religious organization, (c) individual employed by a religious organization while acting in the scope of his paid or volunteer employment, (d) successor, representative, agent, agency, or instrumentality of any of the foregoing, or (e) clergy member or minister. The bill also defines "penalty."

*Patron - Carrico*

### Failed

**HB773 Government Nondiscrimination Act; creation.** Creates the Government Nondiscrimination Act (the Act), which prohibits a government entity from taking any discriminatory action against a person on the basis that such person believes, speaks, or acts in accordance with a sincerely held religious belief that marriage is or should be recognized as

the union of one man and one woman and that the terms "man" and "woman" refer to an individual's immutable biological sex as objectively determined by anatomy and genetics of the individual at the time of birth. For purposes of the Act, discriminatory actions include actions that adversely affect the tax treatment of a person or that withhold or otherwise make unavailable any (i) grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, or employment; (ii) entitlement or benefit under a benefit program; or (iii) entitlement to utilize state property. The Act also provides that a person shall be considered to be validly accredited, licensed, or certified for any purpose under state law if such person would otherwise have been accredited, licensed, or certified but for a determination based upon such person's sincerely held religious belief or moral conviction.

*Patron - Gilbert*

## Taxation

### Passed

**HB15 Personal property tax; classifications.** Provides that if an item of tangible personal property falls within multiple classifications for local taxation, the rate of taxation is the lowest rate assigned to such classifications. Current law provides that such personal property tax treatment applies only to motor vehicles and to computer equipment and peripherals used in a data center.

*Patron - Ware*

**HB22 Tax credit for contributions to political candidates; expiration.** Sunsets the individual income tax credit for contributions to political candidates beginning with taxable year 2017. This bill is identical to SB 115.

*Patron - Farrell*

**HB23 Fuels tax refunds.** Provides refunds of fuels taxes for fuels used in highway vehicles owned by a § 501(c)(3) entity organized with a principal purpose of providing hunger relief services or food to the needy, when such vehicle is used solely for providing such hunger relief services or food to the needy.

*Patron - Farrell*

**HB63 Sales and use tax; exemption for certain non-profit entities.** Provides exemptions from sales and use tax and local license taxes for certain nonprofit veterans organizations. The sales and use tax exemption shall not be used by a nonprofit veterans organization for purchases of tangible personal property that is used primarily (i) for social and recreational activities for members or (ii) for providing insurance benefits to members or their dependents.

*Patron - Lingamfelter*

**HB80 Property certified as tax exempt; effective date of tax exemption.** Provides that once the required certification for tax exemption is made by a state or local authority for pollution control equipment and other real and personal property that is required to be certified in order to be exempt, such property will be deemed to be exempt as of the date the property is placed in service. Current law requires that certain pollution control, recycling, and solar energy real and personal property placed in service must be certified as being used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth in order to be

exempt from local property taxes but does not specify the beginning date for the exemption.

*Patron - Byron*

**HB95 Corporate income tax; addback for Captive REIT dividends.** Provides that the voting power or value of the beneficial interests or shares in a real estate investment trust (REIT) that is held in a segregated asset account of a life insurance corporation shall not be taken into consideration when determining if the REIT is a Captive REIT for corporate income tax purposes. Under current law, no deduction from corporate income is allowed for dividends paid by a Captive REIT. The bill modifies current law for purposes of determining whether a REIT is a Captive REIT that will not be allowed a deduction for the dividends it pays.

The bill is effective for taxable year 2016 and thereafter.

*Patron - Ware*

**HB127 Real property tax exemption; spouse of military service member killed in action.** Clarifies that "killed in action" includes a determination by the U.S. Department of Defense of "died of wounds received in action" for purposes of the real property tax exemption on the residence of the surviving spouse. This bill is identical to SB 99.

*Patron - Knight*

**HB148 Real property tax assessment; date to fix tax rate.** Changes from April 15 to May 15 the date by which a county, city, or town is required to fix the real property tax rate for taxes due on or before June 30. This bill is identical to SB 445.

*Patron - Fowler*

**HB182 Transient occupancy tax; Frederick County.** Authorizes Frederick County to impose an additional transient occupancy tax (all counties may impose such tax at a maximum rate of two percent) at a maximum rate of three percent, for a total maximum rate of five percent. The revenue from the additional tax shall be used solely for tourism purposes.

*Patron - Minchew*

**HB186 Port-related tax credits; expiration date.** Extends the expiration date of the international trade facility, barge and rail usage, and Virginia port volume increase tax credits from January 1, 2017, to January 1, 2022.

*Patron - Yancey*

**HB298 Coal tax credits.** Limits the aggregate amount of credits that may be allocated or claimed for the coal employment and production incentive tax credit to \$7.3 million in each fiscal year. An electricity generator must file an application with the Department of Taxation each year to determine the amount of credits that it may claim or allocate, including credits earned in prior taxable years. If the total amount of approved applications for tax credits for the fiscal year exceeds \$7.3 million, the Department of Taxation shall apportion the credits on a pro rata basis. The bill also extends the sunset date of the coalfield employment enhancement tax credit through taxable years beginning before January 1, 2022. This bill is identical to SB 44.

*Patron - Kilgore*

**HB328 Transient occupancy tax; Botetourt County.** Permits Botetourt County to impose an additional transient occupancy tax at a rate not to exceed two percent. The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors

Bureau. For purposes of this subsection, "advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

*Patron - Austin*

**HB339 Recordation tax; exemption.** Provides an exemption from the grantor's tax if the grantor is a locality at a judicial sale of tax-delinquent property. The bill also provides an exemption from recordation tax for any deed of trust that secures a loan made by a locality to a borrower whose household income does not exceed 80% of the area median household income established by the U.S. Department of Housing and Urban Development for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home.

*Patron - Pogge*

**HB398 Sales and use tax; refunds.** Prohibits any taxpayer failing to give a dealer at the time of purchase an exemption certificate that was issued by the Department of Taxation from receiving interest on a refund claim for any period prior to the date the refund claim is completed. This bill is identical to SB 444.

*Patron - Sullivan*

**HB402 Commonwealth's tax code; conformity with federal law; emergency.** Advances conformity with the federal tax code from December 31, 2014, to December 31, 2015, and repeals the expiration date for conforming with enhancements to the federal earned income tax credit. The bill contains an emergency clause. This bill is identical to SB 545.

*Patron - Ware*

**HB421 Real property tax exemptions; military members and their surviving spouses.** Extends the property tax exemptions for the principal residences of certain disabled veterans and surviving spouses of members of the armed forces killed in action to include real property improvements made to the land surrounding such residences so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects and (ii) for other than a business purpose.

Article X, Section 6-A of the Constitution of Virginia exempts from local real property taxes the principal residences of (i) veterans with a 100 percent service-connected, permanent, and total disability and (ii) surviving spouses of members of the armed forces killed in action. Under the Code of Virginia, in general, up to one acre upon which the principal residence is situated is also exempt from local property taxes. The bill extends the exemption to other improvements made to such one acre so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects and (ii) for other than a business purpose.

The provisions of the bill are effective for tax years beginning on or after January 1, 2017.

*Patron - Helsel*

**HB526 Living shorelines; tax exemption.** Provides that any living shoreline project approved by the Virginia Marine Resources Commission or the applicable local wetlands board and not prohibited by local ordinance shall qualify for full exemption from local property taxes.

*Patron - Hodges*

**HB590 Research and development expenses tax credit; reporting requirement.** Requires the Department of Taxation to include in its annual report to the Governor on rev-

enue collections by tax source information regarding the number of applicants and tax credits approved for the research and development expenses tax credit. This replaces the current requirement that the Virginia Economic Development Partnership include this information in its Annual Report on Business Incentives.

*Patron - Poindexter*

**HB596 Recordation tax; exemption.** Exempts from recordation tax (i) certain deeds of partition and (ii) deeds transferring property pursuant to a divorce decree. Under current law, the tax on such deeds is \$0.50.

*Patron - Simon*

**HB643 Department of Taxation; limitations on collecting taxes.** Provides that the Department of Taxation shall cease efforts to collect a tax seven years after assessment of the tax. The bill applies only to tax assessments made on or after July 1, 2016, and the running of the seven-year period of limitations will be suspended during the period that an installment agreement is in effect.

*Patron - Leftwich*

**HB742 Neighborhood Assistance Program tax credits; eligibility.** Creates an exception to the requirement that each affiliate of a neighborhood organization must also meet all program regulations and guidelines as a condition of the neighborhood organization's eligibility for tax credits. Under the bill, the general program requirements for proposals submitted to the Commissioner of Social Services that (i) at least 50 percent of the persons served by each affiliate of the neighborhood organization be low-income persons, (ii) at least 50 percent of the revenues of each affiliate of the neighborhood organization be used to provide services to such persons, (iii) each affiliate also meet the definition of a "neighborhood organization," and (iv) an audit, review, or compilation for each affiliate be furnished will not apply if (a) the neighborhood organization otherwise meets all program requirements and regulations, (b) the neighborhood organization received a fiscal year 2013-2014 allocation of neighborhood assistance tax credits, and (c) no affiliate of the neighborhood organization submits a proposal for or receives an allocation of tax credits for the program year for which the neighborhood organization has submitted its proposal. The exemption from the affiliate requirements is permanent and benefits neighborhood organizations applying for tax credits from the Commissioner of Social Services.

*Patron - Toscano*

**HB859 Sales and use tax exemption; beer-making equipment.** Provides a sales and use tax exemption for machinery, tools, equipment, and materials used by a licensed brewer in the production of beer and materials such as labels and boxes for future use in packaging the beer for shipment or sale.

*Patron - Landes*

**HB872 Sales and use tax exemption; certain data centers.** Extends the sunset date for the sales and use tax exemption for certain data centers from June 30, 2020, to June 30, 2035, and eliminates the sunset date of June 30, 2020, for provisions of the existing law that allow the owner of the data center to count the jobs created and investments made by tenants to count toward the overall jobs and investment criteria for the exemption. If an entity previously created 50 new jobs at a data center in the Commonwealth in order to qualify for the exemption, those 50 jobs may be relocated to a new data center in the Commonwealth with a capital investment of at least \$500 million on or after July 1, 2016, and count toward the new jobs requirement for the new data center to qualify for the



exemption. The bill also makes a technical correction regarding a subdivision that is erroneously set out twice in the Code. This bill is identical to SB 64.

*Patron - Hugo*

**HB884 Research and development expenses tax credits.** Modifies the existing research and development expenses tax credit and creates a similar tax credit for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The bill changes the existing tax credit by (i) extending the expiration date from January 1, 2019, to January 1, 2022; (ii) increasing the credit from 15 percent of the first \$234,000 of the business's Virginia qualified research and development expenses that exceed a base amount to 15 percent of the first \$300,000 of such expenses and from 20 percent of the first \$234,000 of such expenses to 20 percent of the first \$300,000 of such expenses if the research and development was conducted in conjunction with a Virginia college or university; (iii) establishing an alternative computation for the tax credit at the election of the taxpayer beginning with taxable year 2016; and (iv) increasing from \$6 million to \$7 million the maximum amount of tax credits that may be granted by the Department of Taxation for each fiscal year beginning with fiscal year 2017.

Under current law, a taxpayer is allowed a refundable credit equal to (a) 15 percent of the first \$234,000 of the taxpayer's Virginia qualified research and development expenses that exceed a base amount or (b) if the research and development was conducted in conjunction with a Virginia college or university, 20 percent of the taxpayer's first \$234,000 in Virginia qualified research and development expenses that exceed a base amount. Under the alternative computation established by the bill for the existing credit, the taxpayer will be allowed a refundable tax credit equal to 10 percent of the difference of (1) the taxpayer's Virginia qualified research and development expenses for the current taxable year and (2) 50 percent of such taxpayer's average Virginia qualified research and development expenses for the immediately preceding three taxable years. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the immediately preceding three years, the credit will equal five percent of the taxpayer's Virginia qualified research and development expenses for the current taxable year. The maximum credit allowed to a taxpayer each year under the alternative computation will be \$45,000, or \$60,000 if the research and development was conducted in conjunction with a Virginia public or private college or university.

The bill also creates a new tax credit beginning with taxable year 2016 for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The new tax credit will include the same elements as described above for the alternative computation, except that it is not refundable and there is no annual limit on the maximum amount of credits allowed to the taxpayer. In addition, the Department may grant up to \$20 million in tax credits each fiscal year beginning with fiscal year 2017. The amount of the new tax credit that may be claimed by the taxpayer for each year will be limited to 75 percent of the taxpayer's Virginia income tax liability for the year. Any unused credit for the year may be carried forward and applied against the taxpayer's income taxes in the next 10 succeeding taxable years. The new research and development expenses tax credit expires January 1, 2022. The bill prohibits a taxpayer from claiming a credit for expenses incurred using embryonic stem cells.

The bill prohibits a taxpayer from claiming both the existing and new research and development expenses tax credit for the same taxable year. This bill is identical to SB 58.

*Patron - Hugo*

**HB910 Appeal of local tax assessments; confidentiality.** Provides that, prior to the release of any confidential tax information pursuant to a discovery order, with regard to an application for relief to a circuit court to correct erroneous assessments of local taxes, the court shall issue an order stating that no entity or person who has obtained such confidential information shall disclose, exhibit, or discuss the information except as otherwise provided in the order. The bill requires that any outside expert or person who may be called as a witness given access to such confidential information be required to sign an acknowledgment of the order and agree to be bound by its terms and subject to the jurisdiction of the court for its enforcement. This bill is identical to SB 597.

*Patron - Minchew*

**HB951 Department of Taxation; disclosure of certain tax information.** Permits the Department of Taxation (the Department) to disclose to a taxpayer whether the taxpayer's employer submitted withholding records to the Department as required. The bill also requires the Department to maintain a list of licensed cigarette stamping agents and make it available upon request to any federal, state, or local law-enforcement agency. This bill is identical to SB 325.

*Patron - Keam*

**HB1017 Education improvement scholarships tax credit; reporting and other requirements.** Modifies the tax credit by (i) making the current required report based upon donations qualifying for the credit and scholarships awarded from such donations as of June 30 of the prior calendar year, (ii) increasing from 20 to 40 the number of days by which a scholarship foundation is required to return a preauthorization notice to the Department of Education to certify that a donor has completed his donation to the foundation, (iii) increasing from 14 to 21 the number of days by which a scholarship foundation must convert a donation of marketable securities into cash, (iv) lowering the penalty for failure to disburse 90 percent of tax-credit-derived donations within the applicable 12-month period from 200 percent to 100 percent of the difference between 90 percent of the donations and the actual amount disbursed, and (v) making clarifying and technical amendments.

Under current law, a scholarship foundation must provide a report each year by September 30 to the Department of Education showing the total number and value of donations it received in its most recent fiscal year ended. Under the bill, every scholarship foundation will report on donations received in the 12-month period ending on June 30 of each year. This change will enable the Department of Education to determine whether a scholarship foundation has complied with the statutory requirement to disburse at least 90 percent of its tax-credit-derived funds received during each 12-month period ending on June 30 by the following June 30 for educational scholarships.

The bill clarifies that the annual audit, review, or compilation required of a scholarship foundation receiving tax-credit-derived funds is for the foundation's most recent fiscal year ended. Finally, the bill eliminates (a) redundant reporting requirements relating to the total number and dollar value of donations received by a foundation and the total number and dollar amount of educational scholarships awarded by a foundation and (b) the requirement that a scholarship foundation report the percentage of first-time recipients to whom educational scholarships are awarded.

This bill is identical to SB 589.

*Patron - Massie*

**HB1093 Income tax credit; food crop donations to a food bank.** Establishes an individual and corporate income tax credit beginning in 2016 for food crops that are grown by a person engaged in the business of farming and donated by such person to a nonprofit food bank. The credit would equal 30 percent of the fair market value of the food crops donated by the person during the taxable year, not to exceed an aggregate of \$5,000 for any taxable year. The bill defines food crops as grains, fruits, nuts, or vegetables.

The Department of Taxation will administer the tax credit and may issue up to \$250,000 in tax credits each fiscal year. The bill provides for any unused credit to be carried forward for five years. The credit would sunset on January 1, 2022. This bill is identical to SB 580.

*Patron - Cline*

**HB1147 Transient occupancy tax; Arlington County.** Permits Arlington County to impose an additional transient occupancy tax at a rate not to exceed one-fourth of one percent. The revenues from the tax shall be spent solely for the purpose of promoting tourism and business travel in the county. The bill has a sunset date of July 1, 2018, and is identical to SB 160.

*Patron - Hope*

**HB1152 Local gas road improvement and Virginia Coalfield Economic Development Authority tax; use of revenues.** Authorizes localities that comprise the Virginia Coalfield Economic Development Authority to use a portion of the revenues collected from the local gas road improvement and Virginia Coalfield Economic Development Authority tax for the repair or enhancement of existing water or sewer systems and lines. This bill is identical to SB 182.

*Patron - Morefield*

**HB1170 Real property tax; boards of equalization.** Changes the maximum number of members of a board of equalization from five to the greater of five or the number of election districts in the locality.

*Patron - Fowler*

**HB1191 Sales and use tax exemption; certain items in sheriffs' correctional facilities.** Exempts from sales and use tax items sold by a sheriff at a local correctional facility to inmates and sales of prepared food within the correctional facility.

*Patron - Knight*

**HB1194 Transient occupancy tax; Bedford County.** Permits Bedford County to impose an additional transient occupancy tax at a rate not to exceed two percent. The additional revenue shall be used solely for tourism purposes to attract travelers, increase occupancy at lodging properties, and generate tourism revenues. Under current law, Bedford County may impose a transient occupancy tax at a rate not to exceed five percent.

*Patron - Austin*

**HB1203 Real property tax exemption; disabled veterans and the spouse of a service member killed in action.** Provides that the real property tax exemption for the residence of a disabled veteran, or the residence of the spouse of a service member killed in action, (i) includes manufactured homes whether or not the wheels and other equipment previously used for mobility have been removed and (ii) applies to residences whether or not the veteran or the spouse owns the

land on which the residence is located. This bill is identical to SB 366.

*Patron - Yost*

**HB1224 Bank franchise tax.** Sets a cap of \$18 million on the total annual bank franchise tax liability per taxpayer. The cap will increase to \$20 million if at least five taxpayers pay the \$18 million cap for three consecutive years.

*Patron - Ware*

**HB1291 Virginia Lottery; ticket courier services.** Prohibits the operation of a ticket courier service in the Commonwealth. The bill defines "ticket courier service" as a service operated for the purpose of purchasing Virginia Lottery tickets on behalf of individuals located within or outside of the Commonwealth and delivering or transmitting such tickets, or electronic images thereof, to such individuals as a for-profit delivery service.

*Patron - Rush*

**HB1305 Sales and use tax exemption and real and personal property tax exemption; solar and wind energy equipment, facilities, and devices.** Provides a sales and use tax exemption for machinery, tools, and equipment of a public service corporation used to generate energy derived from sunlight or wind, which expires June 30, 2027.

The bill also alters the types of projects of solar photovoltaic (electric energy) systems that qualify for the real and personal property tax exemptions on photovoltaic equipment and facilities. The full exemption is for such equipment and facilities used in (i) projects equaling 20 megawatts or less for which an initial interconnection request form is filed on or before December 31, 2018; (ii) projects equaling 20 megawatts or less that serve a public institution of higher education or a private college; and (iii) projects equaling 5 megawatts or less for which an initial interconnection request form is filed on or after January 1, 2019. The exemption is for 80% of the assessed value of such equipment and facilities used in (a) projects greater than 20 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and (b) projects greater than 5 megawatts for which an initial interconnection request form is filed on or after January 1, 2019. Under current law, the property tax exemption is for projects equaling 20 megawatts or less. The bill provides that the exemption for projects greater than 20 megawatts shall not apply to projects upon which construction begins after January 1, 2024. The bill has a delayed effective date of January 1, 2017.

*Patron - Miller*

**HB1331 Income tax withholding.** Codifies provisions in the current general appropriation act that (i) require all employers to electronically file withholding tax returns and (ii) require the annual withholding tax return and employee withholding statements to be furnished to the Department of Taxation by January 31 (which date appears in the Code of Virginia as February 28). The general appropriation act allows a waiver from each requirement if the Tax Commissioner finds it creates an unreasonable burden on the employer. This bill is identical to SB 230.

*Patron - Bloxom*

**SB44 Coal tax credits.** Limits the aggregate amount of credits that may be allocated or claimed for the coal employment and production incentive tax credit to \$7.3 million in each fiscal year. An electricity generator must file an application with the Department of Taxation each year to determine the amount of credits that it may claim or allocate, including

credits earned in prior taxable years. If the total amount of approved applications for tax credits for the fiscal year exceeds \$7.3 million, the Department of Taxation shall apportion the credits on a pro rata basis. The bill also extends the sunset date of the coalfield employment enhancement tax credit through taxable years beginning before January 1, 2022. This bill incorporates SB 718, and is identical to HB 298.

*Patron - Carrico*

**SB58 Research and development expenses tax credits.** Modifies the existing research and development expenses tax credit and creates a similar tax credit for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The bill changes the existing tax credit by (i) extending the expiration date from January 1, 2019, to January 1, 2022; (ii) increasing the credit from 15 percent of the first \$234,000 of the business's Virginia qualified research and development expenses that exceed a base amount to 15 percent of the first \$300,000 of such expenses and from 20 percent of the first \$234,000 of such expenses to 20 percent of the first \$300,000 of such expenses if the research and development was conducted in conjunction with a Virginia college or university; (iii) establishing an alternative computation for the tax credit at the election of the taxpayer beginning with taxable year 2016; and (iv) increasing from \$6 million to \$7 million the maximum amount of tax credits that may be granted by the Department of Taxation for each fiscal year beginning with fiscal year 2017.

Under current law, a taxpayer is allowed a refundable credit equal to (a) 15 percent of the first \$234,000 of the taxpayer's Virginia qualified research and development expenses that exceed a base amount or (b) if the research and development was conducted in conjunction with a Virginia college or university, 20 percent of the taxpayer's first \$234,000 in Virginia qualified research and development expenses that exceed a base amount. Under the alternative computation established by the bill for the existing credit, the taxpayer will be allowed a refundable tax credit equal to 10 percent of the difference of (1) the taxpayer's Virginia qualified research and development expenses for the current taxable year and (2) 50 percent of such taxpayer's average Virginia qualified research and development expenses for the immediately preceding three taxable years. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the immediately preceding three years, the credit will equal five percent of the taxpayer's Virginia qualified research and development expenses for the current taxable year. The maximum credit allowed to a taxpayer each year under the alternative computation will be \$45,000, or \$60,000 if the research and development was conducted in conjunction with a Virginia public or private college or university.

The bill also creates a new tax credit beginning with taxable year 2016 for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The new tax credit will include the same elements as described above for the alternative computation, except that it is not refundable and there is no annual limit on the maximum amount of credits allowed to the taxpayer. In addition, the Department may grant up to \$20 million in tax credits each fiscal year beginning with fiscal year 2017. The amount of the new tax credit that may be claimed by the taxpayer for each year will be limited to 75 percent of the taxpayer's Virginia income tax liability for the year. Any unused credit for the year may be carried forward and applied against the taxpayer's income taxes in the next 10 succeeding taxable years. The new research and development expenses tax credit expires January 1, 2022. The bill prohibits a taxpayer from claiming a credit for expenses incurred using embryonic stem cells.

The bill prohibits a taxpayer from claiming both the existing and new research and development expenses tax credit for the same taxable year. This bill incorporates SB 161, and is identical to HB 884.

*Patron - McDougle*

**SB64 Sales and use tax exemption; certain data centers.** Extends the sunset date for the sales and use tax exemption for certain data centers from June 30, 2020, to June 30, 2035, and eliminates the sunset date of June 30, 2020, for provisions of the existing law that allow the owner of the data center to count the jobs created and investments made by tenants to count toward the overall jobs and investment criteria for the exemption. If an entity previously created 50 new jobs at a data center in the Commonwealth in order to qualify for the exemption, those 50 jobs may be relocated to a new data center in the Commonwealth with a capital investment of at least \$500 million on or after July 1, 2016, and count toward the new jobs requirement for the new data center to qualify for the exemption. The bill also makes a technical correction regarding a subdivision that is erroneously set out twice in the Code. This bill is identical to HB 872.

*Patron - Ruff*

**SB99 Real property tax exemption; spouse of military service member killed in action.** Clarifies that "killed in action" includes a determination by the U.S. Department of Defense of "died of wounds received in action" for purposes of the real property tax exemption on the residence of the surviving spouse. The bill is identical to HB 127.

*Patron - Cosgrove*

**SB115 Tax credit for contributions to political candidates; expiration.** Sunsets the individual income tax credit for contributions to political candidates beginning with taxable year 2017. This bill is identical to HB 22.

*Patron - Petersen*

**SB160 Transient occupancy tax; Arlington County.** Permits Arlington County to impose an additional transient occupancy tax at a rate not to exceed one-fourth of one percent. The revenues from the tax shall be spent solely for the purpose of promoting tourism and business travel in the county. The bill has a sunset date of July 1, 2018, and is identical to HB 1147.

*Patron - Howell*

**SB182 Local gas road improvement and Virginia Coalfield Economic Development Authority tax; use of revenues.** Authorizes localities that comprise the Virginia Coalfield Economic Development Authority to use a portion of the revenues collected from the local gas road improvement and Virginia Coalfield Economic Development Authority tax for the repair or enhancement of existing water or sewer systems and lines. This bill is identical to HB 1152.

*Patron - Chafin*

**SB230 Income tax withholding; employer penalties.** Codifies provisions in the current general appropriation act that (i) require all employers to electronically file withholding tax returns and (ii) require the annual withholding tax return and employee withholding statements be furnished to the Department of Taxation by January 31 (which date appears in the Code of Virginia as February 28). The general appropriation act allows a waiver from each requirement if the Tax Commissioner finds it creates an unreasonable burden on the employer. This bill is identical to HB 1331.

*Patron - Alexander*

**SB325 Department of Taxation; disclosure of certain tax information.** Permits the Department of Taxation (the

Department) to disclose to a taxpayer whether the taxpayer's employer submitted withholding records to the Department as required. The bill also requires the Department to maintain a list of licensed cigarette stamping agents and make it available upon request to any federal, state, or local law-enforcement agency. This bill is identical to HB 951.

*Patron - Howell*

**[P]SB366 Real property tax exemption; disabled veterans and the spouse of a service member killed in action.** Provides that the real property tax exemption for the residence of a disabled veteran, or the residence of the spouse of a service member killed in action, (i) includes manufactured homes whether or not the wheels and other equipment previously used for mobility have been removed and (ii) applies to a house or manufactured home whether or not the veteran or the spouse owns the land on which the house or manufactured home is located. This bill is identical to HB 1203.

*Patron - Chafin*

**[P]SB372 Obsolete tax statutes.** Repeals obsolete tax-related statutes. This bill is a recommendation of the Code Commission.

*Patron - McDougale*

**[P]SB444 Sales and use tax; refunds.** Prohibits any taxpayer failing to give a dealer at the time of purchase an exemption certificate that was issued by the Department of Taxation from receiving interest on a refund claim for any period prior to the date the refund claim is completed. This bill is identical to HB 398.

*Patron - Hanger*

**[P]SB445 Real property tax assessment; date to fix tax rate.** Changes from April 15 to May 15 the date by which a county, city, or town is required to fix the real property tax rate for taxes due on or before June 30. The bill is identical to HB 148.

*Patron - McDougale*

**[P]SB545 Commonwealth's tax code; conformity with federal law; emergency.** Advances conformity with the federal tax code from December 31, 2014, to December 31, 2015, and repeals the expiration date for conforming with enhancements to the federal earned income tax credit. The bill contains an emergency clause. This bill is identical to HB 402.

*Patron - Hanger*

**[P]SB563 Sales and use tax exemption; materials and equipment used to drill natural gas and oil.** Extends the sunset from July 1, 2016, to July 1, 2022, for the sales and use tax exemption for machinery and tools, materials, and supplies used to drill, extract, or process natural gas or oil.

*Patron - Norment*

**[P]SB580 Income tax credit; food crop donations to a food bank.** Establishes an individual and corporate income tax credit beginning in 2016 for food crops that are grown by a person engaged in the business of farming and donated by such person to a nonprofit food bank. The credit would equal 30 percent of the fair market value of the food crops donated by the person during the taxable year, not to exceed an aggregate of \$5,000 for any taxable year. The bill defines food crops as grains, fruits, nuts, or vegetables.

The Department of Taxation will administer the tax credit and may issue up to \$250,000 in tax credits each fiscal year. The bill provides for any unused credit to be carried forward for

five years. The credit would sunset on January 1, 2022. This bill is identical to HB 1093.

*Patron - Deeds*

**[P]SB589 Education improvement scholarships tax credit; reporting and other requirements.** Modifies the tax credit by (i) making the current required report based upon donations qualifying for the credit and scholarships awarded from such donations as of June 30 of the prior calendar year, (ii) increasing from 20 to 40 the number of days by which a scholarship foundation is required to return a preauthorization notice to the Department of Education to certify that a donor has completed his donation to the foundation, (iii) increasing from 14 to 21 the number of days by which a scholarship foundation must convert a donation of marketable securities into cash, (iv) lowering the penalty for failure to disburse 90 percent of tax-credit-derived donations within the applicable 12-month period from 200 percent to 100 percent of the difference between 90 percent of the donations and the actual amount disbursed, and (v) making clarifying and technical amendments.

Under current law, a scholarship foundation must provide a report each year by September 30 to the Department of Education showing the total number and value of donations it received in its most recent fiscal year ended. Under the bill, every scholarship foundation will report on donations received in the 12-month period ending on June 30 of each year. This change will enable the Department of Education to determine whether a scholarship foundation has complied with the statutory requirement to disburse at least 90 percent of its tax-credit-derived funds received during each 12-month period ending on June 30 by the following June 30 for educational scholarships.

The bill clarifies that the annual audit, review, or compilation required of a scholarship foundation receiving tax-credit-derived funds is for the foundation's most recent fiscal year ended. Finally, the bill eliminates (a) redundant reporting requirements relating to the total number and dollar value of donations received by a foundation and the total number and dollar amount of educational scholarships awarded by a foundation and (b) the requirement that a scholarship foundation report the percentage of first-time recipients to whom educational scholarships are awarded.

This bill is identical to HB 1017.

*Patron - Obenshain*

**[P]SB597 Appeal of local tax assessments; confidentiality.** Provides that, prior to the release of any confidential tax information pursuant to a discovery order, with regard to an application for relief to a circuit court to correct erroneous assessments of local taxes, the court shall issue an order stating that no entity or person who has obtained such confidential information shall disclose, exhibit, or discuss the information except as otherwise provided in the order. The bill requires that any outside expert or person who may be called as a witness given access to such confidential information be required to sign an acknowledgment of the order and agree to be bound by its terms and subject to the jurisdiction of the court for its enforcement. This bill is identical to HB 910.

*Patron - Cosgrove*

**[P]SB670 Bank franchise tax.** Sets a cap of \$18 million on the total annual bank franchise tax liability per taxpayer. The cap will increase to \$20 million if at least five taxpayers pay the \$18 million cap for three consecutive years. After two years at \$20 million, the cap shall increase by three percent annually. This bill is identical to HB 1224.

*Patron - McDougale*

**SB690 Local tax officials; electronic dissemination of tax bills and tax documents.** Authorizes treasurers, commissioners of the revenue, and other local tax officials to convey tax bills and other tax documents via electronic means, with the consent of the taxpayer, in lieu of mailing the bill or document. Current law only authorizes the treasurer to convey tax bills via electronic means. The bill also clarifies that consent of the taxpayer may be obtained electronically, so long as the taxpayer's identity is reasonably verified.

*Patron - Petersen*

## Failed

**HB21 Sales and use tax; exemption for certain non-profit entities.** Provides a sales and use tax exemption for entities exempt from federal income taxation under § 501(c)(19) of the Internal Revenue Code, an exemption for veterans organizations that meet certain requirements.

*Patron - Farrell*

**HB28 Qualified equity and subordinated debt investments tax credit; expiration.** Sunsets the qualified equity and subordinated debt investments tax credit beginning with taxable year 2017.

*Patron - Farrell*

**HB33 Small business parental leave tax credit.** Creates an income tax credit beginning in taxable year 2017 for a portion of the salary or wages paid by small businesses to full-time employees while on leave for the birth of their child or the placement with them of a child for adoption. The credit equals 65 percent of the first \$8,333 in salary and wages paid by the small business to an employee while on parental leave. The bill defines parental leave as leave taken that is separate from any paid vacation, sick, or other paid leave.

Eligible small businesses must allow full-time employees to take at least eight workweeks of paid parental leave for (i) the birth of their child or (ii) the placement with them of a child for adoption who has not attained age 19 on the date of placement. The salary or wages paid for each week of parental leave must be at least 60 percent of the employee's weekly salary or wages immediately prior to the employee taking leave. In no case will credit be allowed subsequent to 12 workweeks of parental leave.

Eligible small businesses must (i) have been operating for at least two full fiscal years immediately prior to the relevant taxable year, (ii) be at least 51 percent independently owned and controlled by one or more individuals who are U.S. citizens or legal residents, and (iii) have, together with affiliates, fewer than 50 full-time employees for the relevant taxable year. The bill defines full-time employees as employees in a job of indefinite duration that requires a minimum of 35 hours per week for at least 48 weeks during the calendar year or a minimum of 1,680 hours during the calendar year.

Small businesses will apply for credit from the Department of Taxation, the administering agency for the credit program. The Department will consider complete applications on a first-come, first-served basis and issue credits accordingly. The Department may issue up to \$5.5 million in tax credits each fiscal year. Any unused credit may be carried forward by the small business for seven taxable years following the taxable year for which the credit was issued.

The credit expires beginning with taxable year 2022.

*Patron - Farrell*

**HB85 Cigarette tax.** Authorizes any county to impose a tax on the sale of cigarettes, not to exceed the greater of five cents per pack or the amount levied under state law. Currently, only Fairfax and Arlington Counties as authorized to impose such a tax.

*Patron - Campbell*

**HB92 Local taxes; interest on refunds.** Permits localities to not pay interest on tax refunds caused by erroneous assessments that are due to the failure of taxpayers to file tax returns timely.

*Patron - Cole*

**HB110 Income tax; deductions for H-1B visa employees.** Requires that corporations and individuals add back to income subject to tax any deduction or subtraction claimed for the taxable year by the corporation or individual for wages, salaries, and other benefits paid or incurred on behalf of employees employed pursuant to an H-1B visa granted by U.S. Citizenship and Immigration Services.

In addition, in the case of a pass-through entity owned by an individual or corporation, there will also be added to income an amount that is (i) equal to a proportional amount of such wages, salaries, and other benefits paid or incurred by the pass-through entity based on the individual's or corporation's ownership share or interest in the pass-through entity or (ii) in accordance with a written agreement of the owners of the pass-through entity, provided that the aggregate amount of such wages, salaries, and other benefits deducted or subtracted for the taxable year by the pass-through entity is added back to income for Virginia income tax purposes.

*Patron - Cole*

**HB120 Income tax apportionment and sales and use tax exemption; certain data centers.** Provides that data centers that are located on property not zoned for industrial use and require the use of an aboveground 150-kilovolt or greater electrical transmission line are excluded from using certain income tax apportionment provisions and from using a sales tax exemption for data centers. The bill also makes a technical correction regarding a subdivision that is erroneously set out twice in the Code. The bill is applicable to sales tax transactions and income tax returns made or filed on and after January 1, 2016.

*Patron - Marshall, R.G.*

**HB121 Income tax apportionment and sales and use tax exemption; certain data centers.** Provides that data centers that are located on property not zoned for industrial use, are within one-third of a mile of an interstate highway, and require the use of an above ground 150-kilovolt or greater electrical transmission line are excluded from using certain income tax apportionment provisions and from using a sales tax exemption for data centers. The bill also makes a technical correction regarding a subdivision that is erroneously set out twice in the Code. The bill is applicable to sales tax transactions and income tax returns made or filed on and after January 1, 2016.

*Patron - Marshall, R.G.*

**HB216 Sales and use tax; food purchased for human consumption.** Phases out over a five-year period the state and local sales and use tax on food purchased for human consumption. Under current law, the local tax rate on food is 1% and the state tax rate on such food is 1.5%, with a 1% tax dedicated to localities on the basis of school-age population and the remaining 0.5% tax dedicated to the Transportation Trust Fund. The bill dedicates state sales and use tax revenue to hold harmless localities and the Transportation Trust Fund.

*Patron - LeMunyon*

**HB217 Machinery and tools, merchants' capital, and BPOL taxes; maximum rates established.** Prohibits a locality from increasing its business machinery and tools tax, merchants' capital tax, and local license (BPOL) fees and taxes above the locality's rates in effect as of January 1, 2016.

*Patron - LeMunyon*

**HB218 Individual income tax credit; return of budget surplus.** Establishes beginning with taxable year 2017 a refundable individual income tax credit that is a portion of the general fund surplus at the close of the immediately preceding fiscal year. If more than \$50 million in general fund surplus remains after assignments of the surplus for the Revenue Stabilization Fund, the Virginia Water Quality Improvement Fund, the Transportation Trust Fund, and other mandatory assignments, then a refundable income tax credit would be allowed for the immediately following taxable year equal to the remaining surplus divided by the number of individual income tax returns filed for the taxable year in which such surplus occurred. In such case, an amount equal to the surplus that is to be returned to individual taxpayers would be held in reserve for appropriation by the General Assembly and not further assigned by the Comptroller. If less than \$50 million in general fund surplus remains after such mandatory assignments, no tax credit would be available and the remaining surplus would be assigned by the Comptroller for nonrecurring expenditures. The credit could be claimed only by those individuals who were required under Virginia law to file an individual income tax return and filed such return.

*Patron - LeMunyon*

**HB316 Income tax; subtraction for military veterans with a service-connected, permanent disability.** Establishes beginning January 1, 2016, an individual income tax subtraction for the military retirement income of veterans who have been determined by the U.S. Department of Veterans Affairs to have a service-connected, permanent disability.

*Patron - Miyares*

**HB320 Port-related tax credits; sunset extension.** Extends the sunset date of the international trade facility, barge and rail usage, and Virginia port volume increase tax credits from taxable years prior to January 1, 2017, to taxable years prior to January 1, 2020. The bill also contains a technical amendment.

*Patron - Knight*

**HB345 Individual income tax; medical care itemized deductions.** Provides that beginning with taxable year 2017 if an individual or his spouse has attained the age of 65, the Virginia itemized deduction for unreimbursed medical care expenses will equal the excess of the total unreimbursed medical care expenses computed for federal income tax purposes over 7.5 percent of federal adjusted gross income.

Currently under federal law, if an individual or his spouse has attained the age of 65, the deduction for unreimbursed medical care expenses is the amount of such expenses that are in excess of 7.5 percent of federal adjusted gross income. For all other individuals, the deduction equals the amount of such expenses that are in excess of 10 percent of federal adjusted gross income. However, beginning with taxable year 2017, individuals age 65 or older will also compute the deduction using a threshold of 10 percent of federal adjusted gross income.

Virginia generally conforms to federal income tax laws, including allowing a deduction for unreimbursed medical care expenses equal to the federal itemized deduction for the same. Under this bill, beginning with taxable year 2017 Virginia will deconform for purposes of the deduction for unreimbursed

medical care expenses by providing that individuals age 65 or older will compute the deduction using a threshold of 7.5 percent of federal adjusted gross income in lieu of the 10 percent threshold required for computing the federal deduction.

*Patron - Pogge*

**HB359 Membership in Multistate Tax Commission.** Requires the Tax Commissioner to take such steps as are necessary for Virginia to become an associate member of the Multistate Tax Commission and to participate in Multistate Tax Commission discussions and meetings concerning model tax legislation and uniform tax policies. The Commission was formed in 1967 and charged under the Multistate Tax Compact with, among other things, facilitating the proper determination of state and local tax liability of multistate taxpayers, promoting uniformity or compatibility in significant components of tax systems, facilitating taxpayer convenience and compliance in the filing of tax returns, and avoiding duplicative taxation.

*Patron - Davis*

**HB399 Income tax withholding; employer penalties.** Codifies provisions in the current general appropriation act that (i) require all employers to electronically file withholding tax returns and (ii) require the annual withholding tax return and employee withholding statements be furnished to the Department of Taxation by January 31 (which date appears in the Code of Virginia as February 28). The general appropriation act allows a waiver from each requirement if the Tax Commissioner finds it creates an unreasonable burden on the employer.

The bill establishes new penalties on employers for not filing electronically or not furnishing employee withholding statements by January 31. A penalty of \$5 per month is imposed for each delinquent employee withholding statement, not to exceed \$30 per withholding statement. A penalty is also imposed for not filing employee withholding statements electronically, at a rate of (i) \$5 per employee statement for employers with not more than 50 employees, (ii) \$10 per statement for employers with more than 50 but less than 100 employees, and (iii) \$20 per statement for employers with 100 or more employees. The bill applies to withholding tax returns and employee withholding statements relating to taxable years beginning on or after January 1, 2016.

*Patron - Sullivan*

**HB419 Local cigarette tax.** Permits all counties to impose a cigarette tax. Currently the only counties authorized to impose such tax are Fairfax and Arlington.

*Patron - Bagby*

**HB445 Clean fuel vehicle and advanced cellulosic biofuels job creation tax credit.** Reestablishes the tax credit for taxable years 2016, 2017, and 2018. Under the bill, the credit will expire on January 1, 2019.

The credit expired on December 31, 2014.

*Patron - Kory*

**HB469 Local taxes; rate of interest on certain refunds.** Permits localities to pay a rate of interest on tax refunds that are due to taxpayer error equal to the interest localities charge on delinquent taxes or the average amount of interest earned by localities on the overpayments, whichever is less.

*Patron - Head*

**HB480 Renewable energy property tax credit.** Establishes beginning in 2016 a tax credit for renewable energy property placed in service. The bill defines renewable energy property as certain biomass equipment that uses renewable biomass resources, combined heat and power systems

using waste heat to produce electricity or thermal or mechanical energy, certain geothermal equipment, hydroelectric generators located at existing dams or in free-flowing waterways, solar energy equipment, and wind equipment that is required to capture and convert wind energy into electricity or mechanical power.

The credit would equal 35 percent of the installed cost of the renewable energy property. However, the aggregate amount of credit allowed to each person for placing into service renewable energy property during the taxable year would not exceed the lesser of (i) 50 percent of the amount of the state corporate income tax, license tax on certain public utility companies, or license tax on insurance companies imposed upon the person for the year or (ii) \$15,000. Only the ultimate consumer or user of the renewable energy property would be allowed to claim the credit.

The credit would be required to be claimed in five equal annual installments beginning with the taxable year in which the property was placed in service. The credit would expire and no further credit could be claimed if the renewable energy property was disposed of, taken out of service, or moved out of the Commonwealth during any of the installment years.

The Department of Taxation would issue the tax credits. The Department would be authorized to issue \$5 million in tax credits each fiscal year. Any unused credit could be carried forward for five taxable years. The credit would sunset in 2021.

*Patron - Sullivan*

**HB508 Worker retraining and career pathway tax credit.** Modifies the worker retraining tax credit by allowing credit to manufacturers conducting a manufacturing orientation, instruction, and training program to students in grades six through 12. The credit will equal 35 percent of the manufacturer's direct costs in providing the program, not to exceed \$2,000 for any year.

In order for credit to be allowed, the program must (i) provide manufacturing orientation, instruction, and training solely to students in grades six through 12, (ii) be coordinated with the local school division and determined to qualify for tax credit by the Department of Small Business and Supplier Diversity, and (iii) be conducted during school hours at a plant or facility used by the manufacturer.

*Patron - Yancey*

**HB511 Tax returns; perjury; penalty.** Requires every tax return to have a written declaration that it is subscribed to under penalty of perjury and provides that it is perjury (a Class 5 felony) to sign a tax return that contains a material matter that the signer does not believe to be true.

*Patron - Herring*

**HB544 Retail sales and transient occupancy taxes on room rentals.** Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.

*Patron - Watts*

**HB598 Low-income taxpayer tax credit.** Allows low-income individuals and married persons to claim a refundable income tax credit equal to 10 percent of the federal earned income tax credit claimed by the individual or married persons for the year in lieu of the current options available for claiming the credit. Under current law, low-income individuals and married persons may claim (i) a nonrefundable income tax credit equal to \$300 for each of the individual, his spouse, and any dependents or (ii) a nonrefundable income tax credit equal to 20 percent of the federal earned income tax credit claimed by the individual or married persons for the year. The provisions of the bill would become effective beginning with taxable year 2016.

*Patron - Plum*

**HB627 Vapor products taxes.** Creates a state tax on vapor products, including a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The bill authorizes cities and towns and certain counties to impose a tax on vapor products. The state tax would be imposed at a rate of 15 percent of the manufacturer's sales price of the vapor product. All revenues from the state tax on vapor products would be deposited into the Virginia Health Care Fund, into which all revenues from the state tax on cigarettes are currently deposited.

Counties, cities, and towns that are currently authorized to tax cigarettes would also be authorized to tax vapor products, with the tax imposed as a percentage of the manufacturer's sales price of the product. The bill authorizes Arlington and Fairfax Counties to impose a vapor products tax, but at a rate that does not exceed the state tax on vapor products created under the bill. Under current law, Arlington and Fairfax Counties may impose a tax on cigarettes at a rate that does not exceed the state cigarette tax. The bill has a delayed effective date of January 1, 2017.

*Patron - Krizek*

**HB660 Qualified equity and subordinated debt investments tax credit.** Raises the cap on the total amount of credits that may be issued under the qualified equity and subordinated debt investment tax credit from \$5 million to \$9 million for calendar years beginning on and after January 1, 2016. The bill also raises the cap on the maximum amount of credits available to each taxpayer from \$50,000 to \$100,000 for taxable years beginning on and after January 1, 2016.

*Patron - Filler-Corn*

**HB683 Virginia Housing Trust Fund; revenue deposits.** Provides that 20% of annual recodation tax revenue in excess of \$325 million shall be deposited into the Virginia Housing Trust Fund. The bill is a recommendation of the Virginia Housing Commission.

*Patron - Peace*

**HB736 Property tax exemptions in Frederick County.** Repeals the property tax exemption in Frederick County for the Potomac Appalachian Trail Club, Nature Conservancy, People-to-People Health Foundation, Inc., Westminster-Canterbury of Winchester, Inc., Frederick United Methodist Housing Development Corporation, Cedar Creek Battlefield Foundation, Inc., Northern Shenandoah Valley Association for Retarded Citizens, Stone House Foundation, Winchester Chapter of The Izaak Walton League of America, Northwestern Workshop, Inc., Wayside Foundation for the Arts, Inc., Shenandoah Valley Community Residences, Inc., Special Love, Inc., Wayside Museum of American History and



Arts, National Wildlife Federation, Robert E. Rose Memorial Foundation, Inc., and Shalom Et Benedictus, Inc.

*Patron - LaRock*

**[F]HB777 Redevelopment or conservation areas or rehabilitation districts; tax exemption.** Permits localities to allow a second application for a partial tax exemption period of up to 15 years beyond the initial exemption period.

*Patron - McQuinn*

**[F]HB799 Income tax subtractions and credits for investments in technology businesses.** Modifies the qualified equity and subordinated debt investments tax credit by (i) increasing the maximum amount of credits that can be issued each year from \$5 million to \$7.5 million, (ii) allocating the \$2.5 million annual increase in credits to cybersecurity businesses, and (iii) allowing credit for investments in technology businesses with no more than 50 full-time employees.

Currently, credit is allowed for an equity or debt investment in a technology business if the business (a) has annual gross revenues of no more than \$3 million in its most recent fiscal year, (b) has its principal office or facility in the Commonwealth, (c) is engaged in business primarily in or does substantially all of its production in the Commonwealth, and (d) has not obtained during its existence more than \$3 million in aggregate gross cash proceeds from the issuance of its equity or debt investments. Under the bill, in lieu of having no more than \$3 million in annual gross revenues for its most recent fiscal year, a business can be a qualifying business if it has no more than 50 full-time employees for such year.

The bill also modifies an income tax subtraction that is similar to the tax credit by allowing the subtraction for an investment in a technology business if the business had no more than 50 full-time employees in its most recent fiscal year.

The bill is effective beginning with taxable year 2016.

*Patron - Bell, John J.*

**[F]HB830 State tax on cigarettes and other tobacco products; tax rate.** Increases the state (i) cigarette tax rate from \$0.30 per pack to \$1.50 per pack, (ii) cigarette excise tax on roll-your-own tobacco from 10 percent to 50 percent of the manufacturer's sales price, and (iii) tax rate on certain other tobacco products by an equivalent percentage. Ten percent of the revenue from the three taxes shall be used for Virginia Department of Health programs for cessation and prevention of tobacco use, and the remainder shall be deposited into the Virginia Health Care Fund. Under current law, all such revenue is deposited into the Virginia Health Care Fund.

*Patron - Hope*

**[F]HB849 Sales and use tax rate on food.** Reduces the state sales and use tax rate on food from 1.5 percent to one percent by eliminating the 0.5 percent sales and use tax on food that is currently paid into the Transportation Trust Fund.

*Patron - Cline*

**[F]HB917 Neighborhood assistance tax credits.** Reduces the amount of the tax credit from 65 percent of the value of donations to neighborhood organizations for taxable years 2012 through 2016 to (i) 60 percent for taxable year 2017, (ii) 55 percent for taxable year 2018, and (iii) 50 percent for taxable year 2019 and taxable years thereafter.

*Patron - Mason*

**[F]HB952 Sales and use tax exemption; tampons and sanitary napkins.** Exempts tampons and sanitary napkins from the sales and use tax.

*Patron - Keam*

**[F]HB972 Virginia Housing Trust Fund; revenue deposits.** Provides that 20% of annual recordation tax revenue in excess of \$325 million shall be deposited into the Virginia Housing Trust Fund.

*Patron - Lopez*

**[F]HB1008 Motor vehicle fuels sales tax in certain transportation districts; price floor.** Places a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by ensuring that the average sales price be no less than the statewide average sales price on February 20, 2013, which is the date used as a floor on the statewide motor vehicle fuels sales tax.

*Patron - Levine*

**[F]HB1014 Neighborhood Assistance Act tax credits.** Increases from \$9 million to \$11 million the maximum amount of tax credits that may be issued each year by the Superintendent of Public Instruction for education-related programs and increases from \$8 million to \$11 million the maximum amount of tax credits that may be issued each year by the Commissioner of the State Department of Social Services for all other programs. The increases are effective beginning with fiscal year 2017.

In addition, the bill eliminates the requirement that at least 10 percent of the available amount of neighborhood assistance tax credits each year must be reserved for nonprofit organizations that did not receive an allocation of such credits in the preceding year.

*Patron - Massie*

**[F]HB1018 Educational improvement scholarships tax credit program.** Modifies the educational improvement scholarships tax credit program by increasing the tax credit beginning in taxable year 2017 from 65 percent to 90 percent of the value of donations made to nonprofit scholarship foundations.

*Patron - Massie*

**[F]HB1034 Personal property tax; transmittal of certain information to the commissioner of the revenue.** Requires certain entities (e.g., homeowner's associations and apartment complexes), if requested, to send to the commissioner of the revenue of the county or city in which the entity is located the license plate numbers of their homeowners' or tenants' motor vehicles. Current law requires such entities to provide, upon request, the name and address of such homeowners or tenants.

*Patron - Sickles*

**[F]HB1050 Solar thermal system tax credit.** Establishes beginning in 2016 an individual and corporate income tax credit for solar energy space heating, water heating, space cooling, and industrial or commercial process heating systems placed in service. The credit would equal 30 percent of the installed cost of the system and only the ultimate consumer or user of the system would be allowed to claim the credit. The credit would not exceed (i) \$500,000 for solar energy systems placed in service for any purpose other than use for a single-family dwelling or placed in service and having in excess of 120 square feet of collector area or (ii) \$2,500 for every other solar energy system placed in service.

The credit for solar energy systems serving other than a single-family dwelling would be claimed in three equal annual installments. The credit would expire and no further credit could be claimed if the solar energy system is disposed of, taken out of service, or moved out of the Commonwealth during any of the installment years.

Under the bill, any unused credit could be carried forward for three taxable years. The credit program would sunset in 2021.

*Patron - Rasoul*

**HB1100 Research and development expenses tax credits.** Modifies the existing research and development expenses tax credit and creates a similar tax credit for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The bill changes the existing tax credit by (i) extending the expiration date from January 1, 2019, to January 1, 2026, (ii) establishing an alternative computation for the tax credit at the election of the taxpayer beginning with taxable year 2016, and (iii) increasing from \$6 million to \$7 million the maximum amount of tax credits that may be granted by the Department of Taxation for each fiscal year beginning with fiscal year 2017.

Under current law, a taxpayer is allowed a refundable credit equal to (a) 15 percent of the first \$234,000 of the taxpayer's Virginia qualified research and development expenses that exceed a base amount or (b) if the research and development was conducted in conjunction with a Virginia college or university, 20 percent of the taxpayer's first \$234,000 in Virginia qualified research and development expenses that exceed a base amount. Under the alternative computation established by the bill, the taxpayer will be allowed a refundable tax credit equal to 10 percent of the difference of (1) the taxpayer's Virginia qualified research and development expenses for the current taxable year and (2) 50 percent of such taxpayer's average Virginia qualified research and development expenses for the immediately preceding three taxable years. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the immediately preceding three years, the credit will equal seven percent of the taxpayer's Virginia qualified research and development expenses for the current taxable year. The maximum credit allowed to a taxpayer each year under the alternative computation will be \$35,100 or \$46,800 if the research and development was conducted in conjunction with a Virginia public or private college or university.

The bill also creates a new tax credit beginning with taxable year 2016 for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The new tax credit will include the same elements as described above for the alternative computation, except that it is not refundable and there is no annual limit on the maximum amount of credits allowed to the taxpayer. In addition, the Department may grant up to \$15 million in tax credits each fiscal year beginning with fiscal year 2017. The amount of the new tax credit that may be claimed by the taxpayer for each year may not exceed the taxpayer's Virginia income tax liability for such year. Any unused credit for the year may be carried forward and applied against the taxpayer's income taxes in the next 10 succeeding taxable years. The new research and development expenses tax credit expires January 1, 2026.

Under the bill, a taxpayer with more than \$5 million of Virginia qualified research and development expenses for the taxable year may only claim the new research and development expenses tax credit for such year.

*Patron - Filler-Corn*

**HB1144 Local taxes; interest on refunds.** Permits localities to not pay interest on tax refunds caused by erroneous assessments that are due to the failure of taxpayers to file timely tax returns.

*Patron - Cole*

**HB1187 Sales and use tax; parking charges by providers of accommodations to transients.** Exempts from sales and use tax separately stated parking charges by hotels and other similar providers of accommodations to transients.

*Patron - Farrell*

**HB1192 Local cigarette tax; counties.** Permits any county to impose a cigarette tax at a rate not to exceed twice the state cigarette tax rate.

*Patron - Murphy*

**HB1198 County taxes on cigarettes; increase.** Allows Fairfax and Arlington Counties to increase their cigarette tax to double the amount levied under state law. Under current law, Fairfax and Arlington Counties can impose a tax equal to that imposed under state law, currently \$0.30. The bill provides that if a county raises its taxes as a result of this bill, the revenues gained thereby shall annually be dedicated to spending on both elementary and secondary education.

*Patron - Kory*

**HB1252 Neighborhood assistance tax credits; low-income persons.** Reduces from 300 percent to 180 percent of the poverty guidelines the maximum family annual household income for a person to be deemed a low-income person for whom services provided by a neighborhood organization may be funded under the neighborhood assistance tax credit program. Under the program, businesses and individuals are issued tax credits for donations to federal tax-exempt § 501(c)(3) and § 501(c)(4) nonprofit organizations undertaking programs for which at least 50 percent of the persons served under the program are low-income.

*Patron - Yancey*

**HB1355 Research and development expenses tax credit; refundability.** Provides that any credit earned in excess of the taxpayer's income tax liability will not be refunded by the Tax Commissioner but may be carried forward to apply against the income taxes of the taxpayer in the seven taxable years that immediately follow the taxable year in which the credit was earned.

The provisions of the bill are applicable for taxable year 2017 and taxable years thereafter.

*Patron - Farrell*

**HB1357 Income tax; statute of limitations for certain amended returns; and a claims bill for relief.** Changes the effective date of an amendment to the statute of limitations for amended returns based on a change in the income tax owed by another state from July 1, 2010, to January 1, 2009. The bill also provides for monetary relief of Michael E. and Rhonda S. Payne in the amount of \$12,298.00 plus interest as a refund for the erroneous overpayment of taxes. Such monetary relief is based upon the statute that is being amended as it currently exists.

*Patron - Morris*

**HB1382 Real property tax on commercial and industrial property.** Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any

town that constructs and maintains its streets to such town, unless the county and town agree otherwise.

*Patron - Keam*

**[F]HB1385 Land preservation tax credit; application for credits prior to any donation.** Provides that beginning January 1, 2017, a donor will be given the option to apply to the Department of Taxation for land preservation tax credits prior to making any donation of land. The Tax Commissioner, in general, will be required to provide such donor with a determination letter within 120 days of a complete application that (i) reserves such tax credits, in whole or in part, for subsequent issuance to the donor or (ii) denies the donor's application for tax credit. After the Tax Commissioner's determination letter, the donor may complete the conveyance of the donation and in such case will provide the Department with certified copies of the recorded deeds and instruments conveying the donation. The Department will then provide the donor with a written certification issuing the tax credits that were previously reserved. If the Tax Commissioner issues land preservation tax credits to a donor who elected to apply for the credits prior to making any donation, the fair market value of the donation will thereafter not be subject to dispute, except upon a showing of fraud or the misrepresentation of a material fact.

*Patron - Webert*

**[F]HB1390 Neighborhood assistance tax credits.** Eliminates the requirement that 10 percent of the available amount of neighborhood assistance tax credits each year be reserved for new organizations participating in the tax credit program and prohibits state agencies administering the program from (i) allocating tax credits to a neighborhood organization on the basis of the dollar value of tax credits issued to the organization in a prior program year or (ii) employing a method for determining the maximum allocation of tax credits for any qualifying neighborhood organization that differs from the method employed for any other such organization.

*Patron - Byron*

**[F]SB34 Lottery Board; regulation of casino gaming; penalties.** Authorizes casino gaming in the state to be regulated by the Virginia Lottery Board (the Board). The bill specifies the licensing requirements for casino gaming and imposes penalties for violations of the casino gaming law. Casino gaming shall be limited to localities that have passed a referendum on the question of allowing a casino gaming in the locality. The bill requires the Board to establish and implement a voluntary exclusion program allowing individuals to voluntarily list themselves as being barred from entering a casino gaming establishment or other facility under the jurisdiction of the Board. In addition, the bill establishes the Problem Gambling Treatment and Support Fund administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to supporting organizations that provide assistance to compulsive gamblers. The bill requires proceeds of the gross receipts tax and admission tax imposed on casino gaming operators to be paid as follows: (i) one percent into the Problem Gambling Treatment and Support Fund, (ii) 10 percent to the locality in which the casino gaming operation is located, and (iii) 89 percent into the Toll Mitigation Fund, which shall be used to mitigate the tolls established to support construction and maintenance of the Dominion Boulevard Bridge and Roadway Improvement Project and the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project.

*Patron - Lucas*

**[F]SB114 Plastic bag tax in the Chesapeake Bay Watershed.** Imposes a five-cent per bag tax on plastic bags provided to customers by certain retailers in localities located wholly within the Chesapeake Bay Watershed and directs revenues to be used to support the Chesapeake Bay Watershed Implementation Plan. The bill also allows every retailer that collects the tax to retain one cent of the five-cent tax.

*Patron - Petersen*

**[F]SB151 Teacher expenses tax credit.** Creates a tax credit, for taxable years beginning on or after January 1, 2017, of up to \$500 for teachers who paid for materials used in teaching students in an elementary or secondary school, provided that such payments were not reimbursed or claimed as a deduction on the teacher's federal tax return.

*Patron - Reeves*

**[F]SB155 County taxes on cigarettes; increase.** Allows Fairfax and Arlington Counties to increase their cigarette tax to double the amount levied under state law. Under current law, Fairfax and Arlington Counties can impose a tax equal to that imposed under state law, currently \$0.30. The bill provides that if a county raises its taxes as a result of this bill, the revenues gained thereby shall annually be dedicated to spending on elementary or secondary education.

*Patron - Favola*

**[F]SB161 Research and development expenses tax credits.** Modifies the existing research and development expenses tax credit and creates a similar tax credit for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The bill changes the existing tax credit by (i) extending the expiration date from January 1, 2019, to January 1, 2026, (ii) establishing an alternative computation for the tax credit at the election of the taxpayer beginning with taxable year 2016, and (iii) increasing from \$6 million to \$7 million the maximum amount of tax credits that may be granted by the Department of Taxation for each fiscal year beginning with fiscal year 2017. This bill was incorporated into SB 58.

Under current law, a taxpayer is allowed a refundable credit equal to (a) 15 percent of the first \$234,000 of the taxpayer's Virginia qualified research and development expenses that exceed a base amount or (b) if the research and development was conducted in conjunction with a Virginia college or university, 20 percent of the taxpayer's first \$234,000 in Virginia qualified research and development expenses that exceed a base amount. Under the alternative computation established by the bill, the taxpayer will be allowed a refundable tax credit equal to 10 percent of the difference of (1) the taxpayer's Virginia qualified research and development expenses for the current taxable year and (2) 50 percent of such taxpayer's average Virginia qualified research and development expenses for the immediately preceding three taxable years. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the immediately preceding three years, the credit will equal seven percent of the taxpayer's Virginia qualified research and development expenses for the current taxable year. The maximum credit allowed to a taxpayer each year under the alternative computation will be \$35,100 or \$46,800 if the research and development was conducted in conjunction with a Virginia public or private college or university.

The bill also creates a new tax credit beginning with taxable year 2016 for businesses with Virginia research and development expenses in excess of \$5 million for the taxable year. The new tax credit will include the same elements as described above for the alternative computation, except that it is not

refundable and there is no annual limit on the maximum amount of credits allowed to the taxpayer. In addition, the Department may grant up to \$15 million in tax credits each fiscal year beginning with fiscal year 2017. The amount of the new tax credit that may be claimed by the taxpayer for each year may not exceed the taxpayer's Virginia income tax liability for such year. Any unused credit for the year may be carried forward and applied against the taxpayer's income taxes in the next 10 succeeding taxable years. The new research and development expenses tax credit expires January 1, 2026.

Under the bill, a taxpayer with more than \$5 million of Virginia qualified research and development expenses for the taxable year may only claim the new research and development expenses tax credit for such year.

*Patron - Howell*

**SB196 Tax returns; perjury; penalty.** Requires every tax return to have a written declaration that it is subscribed to under penalty of perjury and provides that it is perjury (a Class 5 felony) to sign a tax return that contains a material matter that the signer does not believe to be true.

*Patron - Lucas*

**SB218 Limitation on gross receipts for staffing firms; business license taxes.** Provides that gross receipts for a staffing firm shall not include employee benefits for an independent contractor by including both employees who receive a Form W-2 and independent contractors who receive a Form 1099 in the definition of "contract employee."

*Patron - Marsden*

**SB244 Local fuels tax.** Authorizes localities to impose a local fuels tax, not to exceed five cents per gallon of fuel. The tax would be paid by the distributor at the point of sale to a retail distributor in the same manner as regional fuel taxes. The Commonwealth would make an annual payment to localities for the difference between revenues that were collected from the tangible personal property tax on vehicles, including personal property tax relief, and the amount of revenues collected by a five-cents-per-gallon fuels tax. The bill also repeals the personal property tax relief program. The bill has a delayed effective date of January 1, 2019, and is contingent on passage of a constitutional amendment making motor vehicles used for nonbusiness purposes exempt from taxation.

*Patron - Petersen*

**SB289 Virginia taxable income; deduction for personal exemptions.** Increases the deduction, for purposes of computing Virginia taxable income, for personal exemptions. For taxable years beginning on and after January 1, 2017, a taxpayer may deduct \$1,000 for each personal exemption allowable to the taxpayer on federal income taxes; current law allows a deduction of \$930 per exemption. A blind or aged taxpayer may deduct an additional personal exemption in the amount of \$900; current law allows an additional deduction of \$800.

*Patron - Howell*

**SB326 Corporate income tax; rate of taxation.** Lowers the corporate income tax rate from six percent to 5.75 percent for taxable years beginning on or after January 1, 2017.

*Patron - Saslaw*

**SB400 Virginia taxable income; personal use of campaign funds.** Includes as Virginia taxable income any funds that are contributed to a campaign committee but used by the taxpayer for personal use.

*Patron - Marsden*

**SB422 Neighborhood Assistance Act tax credits.** Increases from \$9 million to \$11 million the maximum amount of tax credits that may be issued each year by the Superintendent of Public Instruction for education-related programs and increases from \$8 million to \$11 million the maximum amount of tax credits that may be issued each year by the Commissioner of the State Department of Social Services for all other programs. The increases are effective beginning with fiscal year 2017.

The bill eliminates the requirement that at least 10 percent of the available amount of neighborhood assistance tax credits each year must be reserved for nonprofit organizations that did not receive an allocation of such credits in the preceding year.

For credit allocations beginning in fiscal year 2016-2017 from the Department of Social Services, the requirement that at least 50 percent of the persons served by a neighborhood organization be low-income persons does not apply if the neighborhood organization is primarily operated to provide on-site services to individuals with intellectual or developmental disabilities.

*Patron - Vogel*

**SB470 Motor vehicle fuels sales tax in certain transportation districts.** Increases the tax on the sales price charged by a distributor for fuels sold to a retail dealer in Hampton Roads from 2.1% to 5.1%.

*Patron - Wagner*

**SB477 Motor vehicle fuels sales tax in certain transportation districts; price floor.** Places a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by ensuring that the tax is not imposed on a sales price less than the statewide average sales price on February 20, 2013, which is the date used as a floor on the statewide motor vehicle fuels sales tax.

*Patron - Wagner*

**SB499 Accelerated sales tax payments.** Prohibits the accelerated collection of sales and use tax payments from retail merchants and other dealers who collect and return sales and use tax payments.

*Patron - Sturtevant*

**SB504 Individual income tax credit; return of budget surplus.** Establishes a refundable individual income tax credit that is a portion of the general fund surplus for the corresponding fiscal year. If \$50 million or more in general fund surplus remains after assignments of the surplus for the Revenue Stabilization Fund, the Virginia Water Quality Improvement Fund, the Transportation Trust Fund, and other mandatory assignments, then a refundable income tax credit would be allowed for the corresponding taxable year equal to the remaining surplus divided by the number of individual income tax returns filed for the most recent taxable year. If less than \$50 million in general fund surplus remains after such mandatory assignments, no tax credit would be available and the remaining surplus would be assigned by the Comptroller for nonrecurring expenditures.

The credit could be claimed only by those individuals who were required under Virginia law to file an individual income tax return and filed such return.

*Patron - Sturtevant*

**SB506 Waiver of tax penalties for small businesses.** Waives any tax penalties related to taxes administered by the Department of Taxation for a small business during its first two years of operation as long as the business enters into an installment agreement with the Tax Commissioner for the payment of

taxes. A small business is defined as an independently owned or operated business organized under Virginia law or with a principal place of business in Virginia and that has fewer than 10 employees.

*Patron - Sturtevant*

**SB508 Corporate income tax; addback for Captive REIT dividends.** Provides that the voting power or value of the beneficial interests or shares in a real estate investment trust (REIT) that is held in a segregated asset account of a life insurance corporation shall not be taken into consideration when determining if the REIT is a Captive REIT for corporate income tax purposes. Under current law, no deduction from corporate income is allowed for dividends paid by a Captive REIT. The bill modifies current law for purposes of determining whether a REIT is a Captive REIT that will not be allowed a deduction for the dividends it pays.

The bill is effective for taxable year 2016 and thereafter.

*Patron - Sturtevant*

**SB512 Individual income tax; rate of taxation.** Lowers the rate of taxation for each income bracket by one-quarter percent each year for four years beginning in taxable year 2017. For taxable years beginning on and after January 1, 2020, income will be taxed as follows: (i) one percent for income not exceeding \$3,000, (ii) two percent for income in excess of \$3,000, but not in excess of \$5,000, (iii) four percent for income in excess of \$5,000, but not in excess of \$17,000, and (iv) 4.75 percent for income in excess of \$17,000.

*Patron - Sturtevant*

**SB532 Planning District 8 paper and plastic bag tax.** Authorizes localities in Planning District 8 by ordinance to impose a tax of five cents on disposable paper bags and disposable plastic bags. Revenues from the local tax would be collected by the Tax Commissioner and distributed monthly to the county or city imposing the tax. The bill requires each county or city adopting an ordinance to impose the tax to provide a certified copy of the ordinance to the Tax Commissioner at least six months prior to the date the tax is to become effective.

*Patron - Surovell*

**SB570 Personal income tax relief.** Reduces imposition of the personal income tax by increasing the maximum income within each bracket by \$1,000 and phasing out the lowest income bracket.

Beginning January 1, 2017, the four brackets would be: 0% on the first \$4,000 of income, 3% on income in excess of \$4,000 but not in excess of \$6,000, 5% on income in excess of \$6,000 but not in excess of \$18,000, and 5.75% on income in excess of \$18,000.

*Patron - Reeves*

**SB661 Virginia Lottery; ticket courier services.** Prohibits the operation of a ticket courier service in the Commonwealth. The bill defines "ticket courier service" as a person operating, or business entity organized and operated, for the purpose of purchasing Virginia Lottery tickets on behalf of individuals located within or outside of the Commonwealth and delivering or transmitting such tickets, or electronic images thereof, to such individuals as a for-profit delivery service.

*Patron - Favola*

**SB685 Virginia taxable income; deduction for personal exemptions.** Increases the deduction, for purposes of computing Virginia taxable income, for personal exemptions. For taxable years beginning on and after January 1, 2017, a

taxpayer may deduct \$1,000 for each personal exemption allowable to the taxpayer on federal income taxes; current law allows a deduction of \$930 per exemption. A blind or aged taxpayer may deduct an additional personal exemption in the amount of \$900; current law allows an additional deduction of \$800.

*Patron - Dunnivant*

**SB718 Coal tax credits.** Limits the aggregate amount of credits that may be allocated or claimed for the coal employment and production incentive tax credit to \$7.5 million. An electricity generator must file an application with the Department of Taxation each year to determine the amount of credits that it may claim or allocate, including credits earned in prior taxable years. If the total amount of credits earned in a taxable year exceeds \$7.5 million, the Department of Taxation shall apportion the credits on a pro rata basis. The bill also extends the sunset date of the coalfield employment enhancement tax credit through taxable years beginning before January 1, 2021. This bill was incorporated into SB 44.

*Patron - Chafin*

**SB722 Corporate income tax; apportionment of revenue.** Requires the Commissioner of the Department of Taxation to consider, when reviewing whether the method of apportionment used to determine corporate tax liability in the Commonwealth was inapplicable or inequitable, whether the portion of income taxed under current methodology resulted in taxation of a greater portion of income than could be reasonably attributed to the business in Virginia due to inconsistency with the methodology used in a majority of other states.

*Patron - Saslaw*

**SB749 Qualified Equity and Subordinated Debt Investments Tax Credit.** Raises the cap on the total number of credits that may be issued per year under the qualified equity and subordinated debt investments tax credit from \$5 million to \$9 million for calendar years beginning on or after January 1, 2016, and sunsets the tax credit on January 1, 2021. The bill also requires the Department of Taxation to provide an annual report to the Governor, and any member of the General Assembly upon request, on the issuance of such tax credits. This bill was incorporated into SB 200.

*Patron - McDougle*

**SB756 Corporate income tax; rate of taxation.** Lowers the corporate income tax rate from six percent to 5.5 percent for taxable years beginning on or after January 1, 2017.

*Patron - Sturtevant*

## Carried Over

**HB60 Income tax subtraction for National Guard pay.** Increases from \$3,000 to \$5,000 the maximum individual income tax subtraction for National Guard pay. Under current law, the annual subtraction for wages or salary received for service in the National Guard of the Commonwealth of Virginia is the lesser of \$3,000 or the amount of income derived by the person from 39 calendar days of such service. Under this bill, the subtraction is the lesser of \$5,000 or the amount of income derived from 39 calendar days of National Guard service. The income tax subtraction will continue to be available only to persons in the ranks of O3 and below.

The provisions of the bill apply to taxable years beginning on or after January 1, 2016.

*Patron - Fowler*

**HB163 Income tax; deduction for seniors.** Modifies the income deduction for seniors by increasing the amount from \$12,000 to \$13,000 and indexing the income restrictions to inflation. The bill is effective for taxable years beginning on or after January 1, 2016.

*Patron - Marshall, R.G.*

**HB165 Local meals and food and beverage taxes; exemption.** Provides that the exemption from local meals taxes for sales of meals for fundraising purposes by certain organizations applies when the revenues are used by an entity exempt from income tax pursuant to § 501(c)(19) of the Internal Revenue Code for nonprofit fraternal purposes. Under current law the organizations are exempt on such sales if the revenue is used for nonprofit educational, charitable, benevolent, or religious purposes.

*Patron - Farrell*

**HB215 Individual income tax; adjusted for inflation.** Adjusts Virginia's individual income tax brackets, standard deduction, and personal exemption amounts annually beginning with the 2016 taxable year by the percentage increase in the Consumer Price Index for all urban consumers (CPI-U), for all items, from July 1 through June 30 for the year immediately preceding the taxable year.

*Patron - LeMunyon*

**HB253 Local license tax and state contractor's license; certificate of workers' compensation compliance.** Removes the requirement that contractors verify workers' compensation compliance before receiving a local license to do business and makes such requirement a condition of receiving a state contractor's license.

*Patron - Minchew*

**HB539 Corporate income tax; rate of taxation.** Lowers the corporate income tax rate from six percent to 5.75 percent for taxable years beginning on or after January 1, 2017.

*Patron - Watts*

**HB540 Virginia taxable income; deduction for personal exemptions.** Increases the deduction, for purposes of computing Virginia taxable income, for personal exemptions. For taxable years beginning on and after January 1, 2017, a taxpayer may deduct \$1,000 for each personal exemption allowable to the taxpayer on federal income taxes; current law allows a deduction of \$930 per exemption. A blind or aged taxpayer may deduct an additional personal exemption in the amount of \$900; current law allows an additional deduction of \$800.

*Patron - Watts*

**HB545 Local license tax; staffing firms.** Provides that a staffing firm may deduct from otherwise taxable gross receipts salaries, wages, and other benefits it pays to independent contractors hired to provide professional employer organization services or temporary help services on behalf of or for the benefit of the staffing firm's clients.

Under current law, a staffing firm may deduct from otherwise taxable gross receipts salaries, wages, and other benefits it pays to its employees providing such services for clients of the staffing firm.

The provisions of the bill are effective for license years beginning on or after January 1, 2017.

*Patron - Watts*

**HB693 Standard deduction; adjusted for inflation.** Adjusts the individual income tax standard deduction annually

beginning with the 2017 taxable year by the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), for all items, from July 1 through June 30 for the year immediately preceding the taxable year.

*Patron - Carr*

**HB843 Individual income tax rate.** Reduces the top marginal individual income tax rate, currently 5.75 percent, whenever an individual income tax credit expires. The 5.75 percent rate would be reduced by an amount that generates approximately the same amount of additional annual revenue anticipated to be received from the expiration of the credit. The Tax Commissioner would determine the amount of the reduction rounded to the nearest 0.01 percent.

The adjusted tax rate would become effective beginning with the taxable year immediately following the first taxable year for which the credit is no longer allowable.

If the 5.75 percent rate is ever reduced to a 0.00 percent rate for a taxable year, then the five percent marginal income tax rate would be imposed on all taxable income in excess of \$5,000. Currently, the five percent marginal income tax rate is imposed on income in excess of \$5,000 but not in excess of \$17,000.

The provisions of the bill would become effective beginning with the 2016 taxable year.

*Patron - Cline*

**HB877 The Department of Taxation; amended returns; statute of limitations.** Increases the period in which a taxpayer may file an amended return with the Department of Taxation from three years to five years.

*Patron - Hugo*

**HB880 Withholding for individual income tax.** Allows an employee to determine his taxes to be withheld for income tax purposes using anticipated itemized deductions in lieu of the standard deduction under the Code of Virginia.

*Patron - Hugo*

**HB966 Apportionment of income; corporate income tax.** Makes several changes to the current method used by multistate corporations to apportion income to Virginia for purposes of the corporate income tax, including (i) establishing sales as the sole factor to be used in apportioning income, with such single sales factor apportionment phased in and first effective beginning with taxable year 2019; (ii) adopting market-based sourcing as the approach for sourcing sales of services and nontangible personal property to Virginia; and (iii) eliminating the requirements placed on manufacturing companies electing single sales factor apportionment to maintain certain employment and wage levels.

In general, current law requires multistate corporations to apportion taxable income to Virginia using a double-weighted sales factor formula, which consists of a sales factor that is double-weighted, a property factor, and a payroll factor to apportion the income. Under single sales factor apportionment, only the sales factor will be used by a multistate corporation to apportion taxable income to Virginia. Under the bill, most multistate corporations will be required to use single sales factor apportionment beginning with taxable year 2019, with manufacturing companies being one exception as discussed below.

Currently, manufacturing companies are allowed to elect single sales factor apportionment in lieu of double-weighted sales factor apportionment. However, manufacturing companies electing single sales factor apportionment must meet certain

employment and wage levels for the first three taxable years in which single sales factor apportionment is used. A monetary penalty is imposed upon any manufacturing company that has elected to apportion income using a single sales factor but that fails to meet the employment and wage level requirements. Under the bill, manufacturing companies may adopt single sales factor apportionment or continue to use double-weighted sales factor apportionment. The bill provides that a manufacturing company that adopts single sales factor apportionment in a taxable year beginning on or after July 1, 2016, will not be subject to any monetary penalty but may not revoke the election to use single sales factor apportionment.

The bill implements market-based sourcing for attributing sales to Virginia other than sales of tangible personal property beginning with taxable year 2017. The bill provides that sales made by certain communications services or Internet access services providers, other than sales of tangible personal property, that are attributable to Virginia under market-based sourcing will be multiplied by a factor of 0.5 for purposes of computing such companies' sales factors. The multiplication factor of 0.5 will be applied to such sales if the provider, or an affiliated group that includes a communications services or Internet access services provider, during the taxable year expended at least \$100 million relating to communications services or Internet access services in the form of tangible personal property placed in service in Virginia or salaries and wages paid for its employees in Virginia. In addition, the bill provides that certain sales of national defense contractors will be excluded from such contractors' sales factor under market-based sourcing. Sales of a national defense contractor other than sales of tangible personal property that are attributable to a federal defense acquisition contract for a sale other than a sale of tangible personal property will be excluded if (a) a greater proportion of the income producing activity is performed outside Virginia, based on costs of performance; (b) the laws of another state require that the sale be included in the numerator of the fraction used in apportioning the contractor's income to that state for income tax purposes; and (c) the laws of such other state require that the sale be included in such numerator only if the greater proportion of the income-producing activity is performed in that state, based on costs of performance.

With the exception of the elimination of the employment and wage level requirements placed on manufacturing companies electing single sales factor apportionment that becomes effective for taxable years beginning on or after July 1, 2016, all other provisions in the bill will become effective only if the bill's provisions are not estimated by the Department of Taxation to reduce the official forecasted general fund revenues by more than \$50 million for any fiscal year. The bill requires the Department to prepare a fiscal impact statement on general fund revenues from implementation of the bill. The fiscal impact statement is required to be provided to the Governor and the Chairmen of the House Committee on Appropriations, House Committee on Finance, and Senate Committee on Finance by December 1, 2016. To facilitate the Department's preparation of the fiscal impact statement, every corporation having income from business activity that is taxable both within and without Virginia and that had Virginia taxable income before apportionment of at least \$50 million for taxable year 2014 will be required to recalculate its 2014 sales factor using market-based sourcing. The bill requires that the recalculated sales factor be submitted to the Department by July 1, 2016, and imposes a \$5,000 penalty for the failure to do so.

The bill requires the Tax Commissioner by September 1 of each year beginning in 2018 to make a written certification to the Governor and the General Assembly reporting any net

additional revenues attributable to the bill's provisions, if any, that were received in the state treasury for the immediately prior fiscal year. The next regular session of the General Assembly would be required to provide an amount of tax relief that at least equal to the amount certified by the Tax Commissioner.

*Patron - Davis*

**CHB969 Virginia Retail Sales and Use Tax Act.** Conforms the Commonwealth's sales and use tax laws to the provisions of the Streamlined Sales and Use Tax Agreement. The bill has a delayed effective date of July 1, 2017.

*Patron - Davis*

**CHB1019 Educational improvement scholarships tax credit program; pre-kindergarten eligibility.** Modifies the educational improvement scholarships tax credit program by including as eligible scholarship recipients children enrolled in or attending nonpublic pre-kindergarten programs. The maximum annual scholarship that a child enrolled in or attending a nonpublic pre-kindergarten program will receive is the lesser of the child's actual educational expenses or the state share of the grant per child under the Virginia Preschool Initiative for the locality in which the child resides.

Under current law, tax credits are awarded to individuals and businesses making donations to nonprofit scholarship foundations using the donated funds to award scholarships to certain students in grades K through 12 attending nonpublic schools. Eligible scholarship recipients are students in grades K through 12 with a finalized individualized education program (IEP) in place or whose annual household income is not in excess of 300 percent of the federal poverty guidelines.

The bill defines an eligible pre-kindergarten child as a child who is (i) a resident of Virginia, (ii) an at-risk four-year-old unserved by Head Start programs, and (iii) enrolled in or attending a nonpublic pre-kindergarten program. In addition, the family of the child (a) cannot have annual household income in excess of 300 percent of the current poverty guidelines or 400 percent of such guidelines if an IEP has been written and finalized for the child, (b) must be homeless as defined in 42 U.S.C. § 11302, or (c) must include parents or guardians of the child who are school dropouts.

The bill defines a nonpublic pre-kindergarten program as a pre-school program designed for child development and kindergarten preparation (1) that complies with nonpublic school accreditation requirements administered by the Virginia Council for Private Education (VCPE) or (2) that is participating in Virginia Quality (a partnership between the Virginia Early Childhood Foundation and the Office of Early Childhood Development of the Department of Social Services) with a current designation of at least Level 3 under such rating system. The bill includes several other curriculum and administrative requirements that must be met by a nonpublic pre-kindergarten program in order for children attending the program to be eligible to receive scholarships under the tax credit program. Under the bill, VCPE or the Virginia Early Childhood Foundation will certify nonpublic pre-kindergarten programs meeting such curriculum and administrative requirements.

*Patron - Massie*

**CHB1035 Elderly care savings trust accounts established; administered by the Virginia College Savings Plan.** Establishes elderly care savings trust accounts to be administered by the Virginia College Savings Plan to facilitate the saving of private funds to defray the medical and health-related expenses of the elderly. Elderly care savings trust accounts may be opened on behalf of qualified beneficiaries who are at



least 45 years old. Contributions to an elderly care savings trust account and any earnings on the account may be used to pay or reimburse the medical and health-related expenses and costs of beneficiaries who are at least 60 years old. The account may be used solely for medical and health-related expenses and costs that are not otherwise paid or reimbursed or claimed as a federal or Virginia income tax deduction, subtraction, or credit. Contributions must be in cash. The qualified is the owner of the account and is limited to owning one account.

The bill requires the Virginia College Savings Plan to establish (i) a minimum and maximum annual contribution to an elderly care savings trust account, (ii) a maximum total contribution to each elderly care savings trust account, (iii) a separate account for each qualified beneficiary, and (iv) terms and conditions for account refunds, withdrawals, transfers, and penalties.

Under the bill, earnings on elderly care savings trust accounts are exempt from Virginia income tax. Distributions for qualified medical and health-related expenses of an elderly person are also exempt from Virginia income tax. All other distributions generally will be subject to Virginia income tax, with the taxable amount computed in the same manner that distributions from ABLE savings trust accounts are includible in federal gross income under § 529A of the Internal Revenue Code.

The bill has a delayed effective date of January 1, 2017.

*Patron - Rasoul*

**☐HB1089 Virginia Lottery Fund; administrative expenses.** Reduces the cap on appropriations to the Virginia Lottery for the operation and administration of the lottery during any fiscal year, exclusive of agent compensation, from no more than 10 percent to no more than eight percent of the total annual estimated gross revenues to be generated from lottery sales. The bill has a delayed effective date of July 1, 2017.

*Patron - Cline*

**☐HB1095 Individual income tax rate reduction.** Reduces the top marginal individual income tax rate from 5.75 percent on income in excess of \$17,000 to five percent on income in excess of \$5,000 beginning with taxable year 2017.

*Patron - Cline*

**☐HB1210 Sales tax exemption; gun safes.** Establishes an exemption from retail sales tax for the purchase of a gun safe with a selling price of \$1,000 or less. The bill defines a gun safe as a safe or vault that is (i) commercially available, (ii) secured with a digital or dial combination locking mechanism or biometric locking mechanism, and (iii) designed for the storage of a firearm or for ammunition for use in a firearm. Under the bill a gun safe does not include a glass-faced cabinet.

*Patron - Filler-Corn*

**☐SB105 Virginia Housing Trust Fund; revenue deposits.** Provides that 20% of annual recordation tax revenue in excess of \$325 million shall be deposited into the Virginia Housing Trust Fund. The bill is a recommendation of the Virginia Housing Commission.

*Patron - Locke*

**☐SB142 Solar thermal system tax credit.** Establishes beginning in 2016 an individual and corporate income tax credit for solar energy space heating, water heating, space cooling, and industrial or commercial process heating systems placed in service. The credit would equal 30 percent of the installed cost of the system and only the ultimate consumer or user of the system would be allowed to claim the credit. The credit would not exceed (i) \$500,000 for solar energy systems

placed in service for any purpose other than use for a single-family dwelling or placed in service and having in excess of 120 square feet of collector area or (ii) \$2,500 for every other solar energy system placed in service.

The credit for solar energy systems serving other than a single-family dwelling would be claimed in three equal annual installments. The credit would expire and no further credit could be claimed if the solar energy system is disposed of, taken out of service, or moved out of the Commonwealth during any of the installment years.

Under the bill, any unused credit could be carried forward for three taxable years. The credit program would sunset in 2021.

*Patron - Edwards*

**☐SB157 Virginia adjusted gross income; sale of certain crops to craft breweries.** Provides an income tax subtraction, for purposes of computing Virginia adjusted gross income, for farmers who sell certain crops to Virginia craft breweries. The bill defines a Virginia craft brewery as a brewery that manufactures beer solely in the Commonwealth and that has an annual production of three million barrels of beer or less.

*Patron - Stanley*

**☐SB200 Qualified equity and subordinated debt investments tax credit.** Raises the cap on the total amount of credits that may be issued under the qualified equity and subordinated debt investment tax credit from \$5 million to \$9 million for calendar years beginning on and after January 1, 2016. The bill also raises the cap on the maximum amount of credits available to each taxpayer from \$50,000 to \$100,000 for taxable years beginning on and after January 1, 2016. This bill incorporates SB 749.

*Patron - Howell*

**☐SB486 Land preservation tax credits; certain donations of land.** Allows a land holder to donate a fee interest in land to a private, not-for-profit charitable corporation not established for conservation or preservation purposes and receive land preservation tax credits for the donation. The credits would not be allowed unless and until the charitable corporation protected the land in perpetuity with a conservation or open-space easement.

*Patron - Hanger*

**☐SB533 Sales and use tax; exemption for certain non-profit entities.** Provides exemptions from sales and use tax and local license taxes for certain nonprofit veterans organizations.

*Patron - Surovell*

**☐SB618 Standard deduction; adjusted for inflation.** Adjusts the individual income tax standard deduction annually beginning with the 2017 taxable year by the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), for all items, from July 1 through June 30 for the year immediately preceding the taxable year.

*Patron - Lucas*

**☐SB702 Bridge structures; attachment to locality; annual service fee.** Provides that a bridge constructed and operated in accordance with Chapter 581 of the Acts of Assembly of 2009, known as the Jordan Bridge, is not within either locality to which it is attached. The bill requires the owners of such bridge to pay each such locality, the Cities of Chesapeake and Portsmouth, an annual service fee of five cents per toll paid on the bridge, divided equally between the two localities.

*Patron - Lucas*

**CSB733 Individual income tax; adjusted for inflation.** Adjusts Virginia's individual income tax brackets, standard deduction, and personal exemption amounts annually beginning with the 2016 taxable year by the percentage increase in the Consumer Price Index for all urban consumers (CPI-U), for all items, from July 1 through June 30 for the year immediately preceding the taxable year.

*Patron - Obenshain*

**CSB741 Tax administration; awards for detection of tax underpayments.** Creates a program for the payment of monetary rewards to individuals who provide information to the Tax Commissioner that leads to the successful collection of taxes that are owed by other individual or business taxpayers. Awards may only be given if the underpaying individual taxpayer's income exceeds \$100,000 or the underpaying business taxpayer's income exceeds \$500,000, and the amount in question exceeds \$50,000.

*Patron - Surovell*

**CSB742 Motor vehicle fuels sales tax in certain transportation districts.** Changes the regional gas tax in Hampton Roads from a percentage to a cents per gallon tax that decreases as the price of gas increases. The regional gas tax in Hampton Roads would have a floor of \$0.05 per gallon and a ceiling of \$0.14 per gallon and would be determined on the basis of the average wholesale price of unleaded regular gasoline. The bill places a floor on the price of gasoline that the regional gas tax is imposed on in Northern Virginia that is identical to the floor used for the statewide gas tax and increases the regional gas tax in Northern Virginia from 2.1% to 3%.

*Patron - Wagner*

**CSB757 Individual income tax.** Modifies the individual income tax by establishing a flat 5.75% tax on all taxable income. The bill also increases the standard deduction from \$6,000 to \$15,000 for married persons and from \$3,000 to \$7,500 for single individuals. The changes are effective for taxable years beginning on and after January 1, 2017.

*Patron - Obenshain*

## Trade and Commerce

### Passed

**P HB51 Purchase of weapons other than handguns by certain officers.** Allows officers of certain agencies to purchase, at a fair market price and with approval of the agency head, weapons other than handguns that are issued for personal use of an officer so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check. Current law allows this type of purchase only for the Department of State Police. This bill is identical to SB 615.

*Patron - Miller*

**P HB52 Structured settlements.** Amends the Structured Settlement Protection Act (the Act) to provide that the structured settlement obligor and the annuity issuer may rely on a court order approving a transfer of structured settlement payment rights in redirecting periodic payments to an assignee or transferee in accordance with the order. The measure provides that upon entry of such an order the structured settlement obligor and the annuity issuer shall be discharged and released

from any and all liability for the transferred redirected payments as to all parties except the transferee or an assignee designated by the transferee. The discharge and release of the structured settlement obligor and the annuity issuer shall not be affected by the failure of any party to the transfer to comply with the Act or with the court order approving the transfer. The measure also provides that an application for approval of a structured settlement transfer shall be brought in the circuit court of the county in which the payee is domiciled at the time the transfer agreement was signed or, if the payee is not domiciled in Virginia, then the application may be brought in the court in Virginia that approved the structured settlement agreement. The payee is required to appear in person at the hearing unless the court finds that good cause exists to excuse such an appearance. The measure also provides that a court may hear an application for transfer of payment rights under a structured settlement despite the existence of terms in the underlying structured settlement agreement that purport to restrict or preclude the payee's right or power to sell, assign, or encumber structured settlement payment rights. An application for approval of a transfer is required to include a summary of information regarding prior transfers and notice of the hearing. The period in which responses to the application must be filed with the court is changed from not less than 15 days after service of the notice to five days prior to the hearing. Existing provisions that provide for approval of a transfer of structured settlement payment rights by a responsible administrative authority are deleted from the Act.

*Patron - Kilgore*

**P HB775 Fantasy Contests Act; registration required; conditions of registration; civil penalty.** Creates the Fantasy Contests Act (the Act), which applies to fantasy contests with an entry fee offered in Virginia. The bill defines "fantasy contest" as any online fantasy or simulated game or contest in which (i) the value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, the point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event. The bill requires operators of fantasy contests to register annually with the Department of Agriculture and Consumer Services. The bill sets forth the conditions for registration and penalties for violation of the Act. The bill provides that such contests are not illegal gambling.

*Patron - Miller*

**P HB1068 Advanced Shipbuilding Production Facility Grant Program.** Establishes a grant program for capital or lease cost of a new facility related to the production of a class of nuclear warships for the United States Navy not previously built in Virginia. The grants may also be expended on a new or existing facility and equipment used to cast metal components used in advanced shipbuilding. Grants would be paid to a qualified shipbuilder based in the City of Newport News or to the City of Newport News if the qualified shipbuilder (i) makes a new capital investment of at least \$750 million for production facilities and (ii) creates at least 1,000 new full-time jobs. A maximum of \$46 million in grants would be paid between 2017 and 2026.

*Patron - Jones*

**P SB205 Purchase of handguns by certain officers.** Adds employees of the Department of Corrections with inter-

nal investigations authority to the list of retired law-enforcement officers who may purchase their service handguns for \$1.

*Patron - Edwards*

**SB210 Automobile clubs.** Repeals provisions relating to the licensure of automobile clubs by the State Corporation Commission, including provisions regarding the authority of insurance agents to negotiate automobile club contracts on behalf of licensed automobile clubs and the issuance of guaranteed arrest bond certificates by an automobile club or association.

*Patron - Alexander*

**SB388 Virginia Consumer Protection Act; failure to make required statement.** Makes it a prohibited practice under the Virginia Consumer Protection Act for a supplier to fail to provide to a consumer, or to fail to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information when the supplier is required so to do by applicable state or federal law.

*Patron - Surovell*

**SB615 Purchase of weapons other than handguns by certain officers.** Allows officers of certain agencies to purchase, at a fair market price and with approval of the agency head, weapons other than handguns that are issued for personal use of an officer so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check. Current law allows this type of purchase only for the Department of State Police. This bill is identical to HB 51.

*Patron - Chase*

**SB621 Structured settlements.** Amends the Structured Settlement Protection Act (the Act) to provide that the structured settlement obligor and the annuity issuer may rely on a court order approving a transfer of structured settlement payment rights in redirecting periodic payments to an assignee or transferee in accordance with the order. The measure provides that upon entry of such an order the structured settlement obligor and the annuity issuer shall be discharged and released from any and all liability for the transferred redirected payments as to all parties except the transferee or an assignee designated by the transferee. The discharge and release of the structured settlement obligor and the annuity issuer shall not be affected by the failure of any party to the transfer to comply with the Act or with the court order approving the transfer. The measure also provides that an application for approval of a structured settlement transfer shall be brought in the circuit court of the county in which the payee is domiciled at the time the transfer agreement was signed or, if the payee is not domiciled in Virginia, then the application may be brought in the court in Virginia that approved the structured settlement agreement. The payee is required to appear in person at the hearing unless the court finds that good cause exists to excuse such an appearance. The measure also provides that a court may hear an application for transfer of payment rights under a structured settlement despite the existence of terms in the underlying structured settlement agreement that purports to restrict or preclude the payee's right or power to sell, assign, or encumber structured settlement payment rights. An application for approval of a transfer is required to include a summary of information regarding prior transfers and notice of the hearing. The period in which responses to the application must be filed with the court is changed from not less than 15 days after service of the notice to five days prior to the hearing. Existing provisions that provide for approval of a transfer of structured settlement payment rights by a responsible administrative

authority are deleted from the Act. This bill incorporates SB 633 and SB 638.

*Patron - Stanley*

**SB646 Fantasy Contests Act; registration required; conditions of registration; civil penalty.** Creates the Fantasy Contests Act (the Act), which applies to fantasy contests with an entry fee offered in Virginia. The bill defines "fantasy contest" as any online fantasy or simulated game or contest in which (i) the value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, the point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event. The bill requires a fantasy contest operator, as a condition for registration, to establish procedures that include ensuring that players who are the subject of a fantasy contest are restricted from entering a fantasy contest that is determined, in whole or part, on the accumulated statistical results of a team of individuals in which such players are participants. The bill requires operators of fantasy contests to register annually with the Department of Agriculture and Consumer Services and to contract with a testing laboratory to verify the procedures for fantasy contests. The bill sets forth penalties for violation of the Act. The bill provides that fantasy contests conducted in accordance with these measures are not illegal gambling.

*Patron - McDougle*

## Failed

**HB11 Gift certificates.** Prohibits a merchant issuing a gift certificate issued in the Commonwealth from (i) charging a maintenance fee or inactivity fee on a gift certificate or (ii) issuing a gift certificate that automatically expires, diminishes in value, or otherwise becomes unredeemable. Gift certificates are required to include a telephone number or Internet address where the holder of the gift certificate may obtain information regarding its available balance. The measure applies to gift certificates issued on or after January 1, 2017.

*Patron - Cole*

**HB356 Tanning facilities; use by persons under age 18.** Prohibits individuals under age 18 from using tanning devices at tanning facilities.

*Patron - Garrett*

**HB502 Humane Cosmetics Act; civil penalties.** Prohibits testing cosmetics on animals in the Commonwealth effective July 1, 2017. The bill also prohibits the sale in the Commonwealth effective July 1, 2019, of any cosmetic that was developed or manufactured using animal testing on or after July 1, 2017. Violations are subject to a civil penalty not to exceed \$10,000.

*Patron - Kory*

**HB1123 Customer access to restrooms.** Requires a retail establishment that has a toilet facility for its employees to allow a customer who suffers from Crohn's disease, ulcerative colitis, or other medical condition that requires immediate access to a toilet facility to use that facility during normal business hours if certain conditions are met. A customer who suf-

fers loss as a result of a violation may bring an action to recover damages not to exceed \$100.

*Patron - Hope*

**SB32 Virginia Casino Gaming Commission; regulation of casino gaming; penalties.** Creates the Virginia Casino Gaming Commission (the Commission) as the licensing body for casino gaming. The bill specifies the licensing requirements for casino gaming and imposes penalties for violations of the casino gaming law. The bill also requires the Commission to establish a voluntary exclusion program allowing persons to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the Commission. Under the bill, casino gambling shall be limited to localities in which at least 40 percent of the land area is exempt from local real property taxation pursuant to federal law or subdivisions (a) (1) through (a) 5 and (a) 7 of Section 6 of Article X of the Constitution of Virginia. The bill requires proceeds of the gross receipts tax and admission tax imposed on casino gaming operators to be paid as follows: (i) 10 percent to the locality in which the casino gaming operation is located and (ii) 90 percent into the Toll Mitigation Fund, established by the bill, which shall be used to mitigate the tolls established to support construction and maintenance of the Dominion Boulevard Bridge and Roadway Improvement Project and the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project.

*Patron - Lucas*

**SB33 Virginia Casino Gaming Commission; regulation of casino gaming; penalties.** Creates the Virginia Casino Gaming Commission (the Commission) as the licensing body for casino gaming. The bill specifies the licensing requirements for casino gaming and imposes penalties for violations of the casino gaming law. Casino gaming shall be limited to localities that have passed a referendum on the question of allowing casino gaming in the locality. The bill also requires the Commission to establish a voluntary exclusion program allowing persons to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the Commission. In addition the bill establishes the Problem Gambling Treatment and Support Fund administered by the Commissioner of Behavioral Health and Developmental Services to provide counseling and other support services for compulsive and problem gamblers, develop problem gambling treatment and prevention programs, and provide grants to supporting organizations that provide assistance to compulsive gamblers. The bill requires proceeds of the gross receipts tax and admission tax imposed on casino gaming operators to be paid as follows: (i) one percent into the Problem Gambling Treatment and Support Fund, (ii) 10 percent to the locality in which the casino gaming operation is located, and (iii) 89 percent into the Toll Mitigation Fund, which shall be used to mitigate the tolls established to support construction and maintenance of the Dominion Boulevard Bridge and Roadway Improvement Project and the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project.

*Patron - Lucas*

**SB633 Structured Settlement Protection Act.** Requires an application for approval of a transfer of structured settlement payment rights to be brought in the circuit court for the city or county in which the payee resides, if the payee resides in Virginia. The measure prohibits a circuit court from approving such an application if the payee fails to appear in person at the hearing unless the payee is represented at the hearing by counsel and the failure to appear is due to circumstances that prevent the payee's personal appearance. The measure requires that the Attorney General be served with a copy of the application and proposed agreement and provides that the Attorney General has standing to appear and be heard on

matters relating to the application. The measure requires disclosure to the court of information regarding prior transfers and proposed transfers for which an application for approval was denied. The measure also incorporates provisions of North Carolina's Structured Settlement Protection Act that (i) bar the discount rate used in determining the net amount payable to the payee from exceeding an annual percentage rate of prime plus five percentage points; (ii) cap any transfer expenses at two percent of the net amount payable to the payee; (iii) require disclosure of the quotient, expressed as a percentage, obtained by dividing the net payment amount by the discounted present value of the payments and of the discount rate used by the transferee to determine the net amount payable to the payee for the structured settlement payments to be transferred; (iv) require the court to find that the transfer of structured settlement payment rights is fair and reasonable; and (v) authorize a payee to initiate an action to recover actual damages or \$5,000, whichever is greater, in the event of a violation by a transferee.

*Patron - McPike*

**SB638 Structured settlements.** Amends the Structured Settlement Protection Act (the Act) to provide that the structured settlement obligor and the annuity issuer shall rely on a court order approving a transfer of structured settlement payment rights in redirecting periodic payments to an assignee or transferee in accordance with the order. The measure provides that upon entry of such an order the structured settlement obligor and the annuity issuer shall be discharged and released from any and all liability for the transferred redirected payments as to all parties except the transferee or an assignee designated by the transferee. The discharge and release of the structured settlement obligor and the annuity issuer shall not be affected by the failure of any party to the transfer to comply with the Act or with the court order approving the transfer. The measure also provides that an application for approval of a structured settlement transfer shall be brought in the circuit court of the county in which the payee is domiciled at the time the transfer agreement was signed or, if the payee is not domiciled in Virginia, may be brought in the court in Virginia that approved the structured settlement agreement. The measure requires the hearing to be held within 60 days from the date of filing of the application unless additional time is specifically requested. The payee is required to appear in person at the hearing unless the court finds that good cause exists to excuse such an appearance, in which event the payee is required to provide an affidavit setting forth the reasons for his unavailability, together with the reasons he asserts in support of his best interests for approval of the transfer. The measure also provides that a court may hear and approve an application for transfer of payment rights under a structured settlement despite the existence of terms in the underlying structured settlement agreement that purports to restrict or preclude the payee's right or power to sell, assign, or encumber structured settlement payment rights; however, interested parties are precluded from waiving their rights under those terms absent a specific showing that their rights or interests would be prejudiced by the transfer. An application for approval of a transfer is required to include a summary of information regarding prior transfers and notice of the hearing. The period in which responses to the application must be filed with the court is changed from not less than 15 days after service of the notice to not less than five days prior to the hearing. The definition of a responsible administrative authority is amended to remove the requirement that the authority be a governmental entity. The measure deletes a provision that authorizes the court to refer an application for approval of a transfer of structured settlement payment rights to a commissioner of accounts for a report and recommendation. The measure requires the disclosure statement to set forth the amounts or reasonable value of any advance or inducement paid by the transferee to the payee as an induce-

ment for the transfer. The measure provides that the transferee shall not have the right to seek reimbursement, setoff, or collection against a payee for any inducement received by a payee unless the advance or inducement is specifically identified in the disclosure, with the value of such inducement clearly stated, notwithstanding any separate promises to repay such inducement that have been otherwise agreed to, whether orally or in writing, by and between the payee and transferee or by any individual or agent acting at the behest of the transferee. The measure specifies that a payee's dependents include all persons for whom the payee is legally obligated to provide spousal support or child support.

*Patron - Lucas*

## Unemployment Compensation

### Failed

**HB411** **Unemployment benefits; part-time employment.** Provides that an individual who was employed part time during at least one-half of the weeks of work in the individual's base period is deemed to satisfy the requirement that he be available for work and actively seeking and unable to obtain suitable work if he is available for and actively seeking work that is comparable to his part-time work experience in his base period.

*Patron - James*

**HB455** **Virginia Employment Commission work group to develop recommendations regarding the allocation of responsibility for unemployment benefit charges among the claimant's employers.** Requires the Virginia Employment Commission (VEC) to convene a work group to develop recommendations regarding the allocation of responsibility for unemployment benefit charges among the claimant's employers. The work group shall review alternatives to the existing requirement that the benefit charges associated with a claimant's receipt of unemployment compensation payments are deemed to be the responsibility of the claimant's most recent 30-day employer. The work group will include representatives of organizations representing the interests of large and small employers, organizations representing the interests of employees, and other stakeholders. The bill requires the VEC to report its findings to the Governor and the General Assembly by January 1, 2017.

*Patron - Davis*

**HB1120** **Unemployment compensation; use of E-Verify program.** Requires the Virginia Employment Commission to use the E-Verify program for each individual before releasing an employment compensation benefit payment to the individual to ascertain whether the individual is employed.

*Patron - Poindexter*

**HB1172** **Unemployment compensation; notice of penalties for false or misleading statements.** Requires a claimant for unemployment benefits to affirmatively acknowledge notices of the sanctions to which the claimant is subject as a consequence of providing false or misleading statements to obtain unemployment benefits. The Virginia Employment Commission is currently required to provide claimants with notices when initial and weekly claims are filed that (i) identify the penalties and sanctions to which any person is liable as a result of providing false or misleading statements to obtain benefits; (ii) inform the claimant that making a false statement or representation knowing it to be false or knowingly failing to

disclose a material fact, with intent to obtain or increase any benefit, is punishable as a Class 1 misdemeanor; and (iii) provide a summary of all remedies available to the Commission to collect overpayments.

*Patron - Morris*

**HB1179** **Unemployment compensation; deprivation of benefits.** Extends to five years the period during which a person is disqualified from further unemployment compensation benefits after he is finally convicted under Chapter 6 of Title 60.2 of the Code of Virginia, which prohibits receiving benefits to which a claimant is not entitled. Currently a person convicted under this chapter is required to be deprived of further benefits for a period of one year following the conviction.

*Patron - Morris*

## Virginia Energy Plan

### Failed

**HB351** **Virginia Alternative Energy and Coastal Protection Act.** Requires the Governor to seek to join the Regional Greenhouse Gas Initiative or other carbon trading program with an open auction of carbon allowances. The Department of Environmental Quality is directed to establish a carbon dioxide cap and trade program to reduce emissions released by electric generation stations. The revenues from the sale of carbon allowances are to be deposited in the Commonwealth Resilience Fund, a revolving fund established by this measure that is to serve as a revenue source to assist localities with the implementation of adaptation efforts to combat sea level rise and recurrent flooding. The Commonwealth Resilience Fund also provides funding for energy efficiency and conservation programs; economic assistance for families and businesses in Southwest Virginia; renewable energy generation programs, and costs of administering the program.

*Patron - Villanueva*

**SB571** **Regional Greenhouse Gas Initiative; Commonwealth Resilience Fund established.** Requires the Governor to join the Regional Greenhouse Gas Initiative that established a regional CO2 electric power sector cap and trade program and establishes the Commonwealth Resilience Fund, a revolving fund to serve as a consistent revenue stream to assist counties, cities, and towns with the implementation of adaptation efforts to combat sea level rise and recurrent flooding. The bill also provides economic development assistance for families, businesses, and localities in Southwest Virginia to offset negative economic impacts associated with reduced fossil fuel production.

*Patron - McEachin*

### Carried Over

**HB452** **Virginia Energy Storage Consortium.** Establishes the Virginia Energy Storage Consortium as a political subdivision of the Commonwealth for the purpose of positioning the Commonwealth as a leader in research, development, commercialization, manufacturing, and deployment of energy storage technology. The powers of the Consortium include (i) promoting collaborative efforts among Virginia's public and private institutions of higher education in research, development, and commercialization efforts related to energy storage; (ii) monitoring relevant developments nationally and globally; and (iii) identifying and working with the Commonwealth's

industries and nonprofit partners. Staff support shall be provided by the Department of Mines, Minerals and Energy. The measure expires on July 1, 2021.

*Patron - Hope*

**[C]SB403 Virginia Energy Storage Consortium.** Establishes the Virginia Energy Storage Consortium as a political subdivision of the Commonwealth for the purpose of positioning the Commonwealth as a leader in research, development, commercialization, manufacturing, and deployment of energy storage technology. The powers of the Consortium include (i) promoting collaborative efforts among Virginia's public and private institutions of higher education in research, development, and commercialization efforts related to energy storage; (ii) monitoring relevant developments nationally and globally; and (iii) identifying and working with the Commonwealth's industries and nonprofit partners. The Consortium shall be governed by a board of directors of 15 nonlegislative citizen members appointed by the Governor, who shall initially serve staggered terms. Staff support shall be provided by the Department of Mines, Minerals and Energy. The measure expires on July 1, 2021.

*Patron - Ebbin*

## Waters of the State, Ports and Harbors

### Passed

**[P]HB438 Sediment reduction credits.** Authorizes Municipal Separate Storm Sewer System (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL. Currently, MS4s have similar authority for nitrogen and phosphorus; the bill adds a third pollutant, sediment. The sediment credits cannot be used if they are associated with phosphorus credits used in stormwater nonpoint nutrient runoff water quality criteria. This bill is identical to SB 292.

*Patron - Bulova*

**[P]HB440 Impaired waters clean-up plan; progress report; annual submission.** Reduces from semiannual to annual the requirement in the Chesapeake Bay and Virginia Waters Clean-Up and Oversight Act that the Secretary of Natural Resources submit a progress report on the implementation of the impaired waters clean-up plan to several legislative oversight committees.

*Patron - Lingamfelter*

**[P]HB448 Acquisition of nutrient offset credits.** Allows a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, on land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill also allows the acquisition of credits or the allocation of credits under the general permit for a period longer than the current five-year restriction, subject to the approval of the State Water Control Board. This bill is identical to SB 314.

*Patron - Cox*

**[P]HB1250 Virginia Erosion and Stormwater Management Act; consolidation of programs; opt-out for cer-**

**tain localities; penalties.** Combines existing statutory programs relating to soil erosion and stormwater management, directing the State Water Control Board (the Board) to permit, regulate, and control both erosion and stormwater runoff.

The bill requires any locality that operates a municipal separate storm sewer system (MS4) or a Virginia Stormwater Management Program (VSMP) to adopt a Virginia Erosion and Stormwater Management Program (VESMP) that regulates any land-disturbing activity that disturbs an area of 10,000 square feet or more, or 2,500 square feet or more if in a Chesapeake Bay Preservation Area. A locality that lacks an MS4 and for which the Department of Environmental Quality (DEQ) is currently administering a VSMP is required to (i) adopt such a VESMP, (ii) adopt such a VESMP with DEQ conducting plan review and making recommendations on the compliance of each plan with technical criteria, or (iii) continue to operate a separate Virginia Erosion and Sediment Control Program (VESCP) that regulates any disturbance of 10,000 square feet or more and, in a Preservation Area, regulates a disturbance of 2,500 square feet or more and meets certain other requirements. Any eligible locality that chooses the third option is to have a VSMP administered on its behalf by the Board for any land-disturbing activity that disturbs one acre or more of land, including an activity that disturbs a smaller area but is part of a larger development that results in a disturbance of one acre or more. Towns are afforded additional options in relation to the counties in which they are located.

The bill directs certain charges or penalties to the Stormwater Local Assistance Fund, which provides matching grants to local governments for stormwater best management practices. Finally, the bill directs DEQ to evaluate fees related to the consolidated Virginia Erosion and Stormwater Management Program and directs the Board to adopt regulations to carry out the purposes of the bill, delaying the effective date of the bill until the later of July 1, 2017, or 30 days after the adoption of such regulations.

*Patron - Wilt*

**[P]SB292 Sediment reduction credits.** Authorizes Municipal Separate Storm Sewer System (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL. Currently, MS4s have similar authority for nitrogen and phosphorus; the bill adds a third pollutant, sediment. The sediment credits cannot be used if they are associated with phosphorus credits used in stormwater nonpoint nutrient runoff water quality criteria. This bill is identical to HB 438.

*Patron - Hanger*

**[P]SB314 Acquisition of nutrient offset credits.** Allows a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, on land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill also allows the acquisition of credits or the allocation of credits under the general permit for a period longer than the current five-year restriction, subject to the approval of the State Water Control Board. This bill is identical to HB 448.

*Patron - Dance*

**[P]SB443 Nutrient credit certification; timeline for consideration.** Directs the State Water Control Board (the Board) to establish a timeline for consideration of applications for land conversion projects. The Department of Environmental Quality will be required to deny, approve, or approve with

conditions an application within 15 days of determining that the application is complete. The bill also directs the Board to certify credits that are located in tributaries outside the Chesapeake Bay Watershed.

*Patron - Hanger*

**SB598 Erosion and sediment control; stormwater management program.** Clarifies that certain flow rate capacity and velocity requirements for plans approved on and after July 1, 2014, shall be satisfied by compliance with Virginia Stormwater Management Program (VSMP) Regulations where the land-disturbing activity is conducted in accordance with extended permit coverage regulations.

*Patron - DeSteph*

**SB625 Transfers to the Port Opportunity Fund; evaluation and report.** Provides that when the Virginia Port Authority's revenues exceed their costs by at least five percent, the Authority will transfer to the Port Opportunity Fund up to 5% of the revenues, not to exceed \$2 million, unless the Secretary of Transportation determines that the transfer is not in the long-term interest of the Authority. The bill also requires that the Secretary evaluate whether the forecasted revenue and planned needs of the Authority support deposits of funding into and the continuation of the Port Opportunity Fund and the continuation of the Port of Virginia Economic and Infrastructure Development Grant Fund and Program. The Secretary is required to report on the evaluation and any corresponding recommendations by November 15, 2016. This bill includes technical amendments. This bill incorporates SB 693.

*Patron - Alexander*

**SB673 Virginia Erosion and Stormwater Management Act; consolidation of programs; opt-out for certain localities; penalties.** Combines existing statutory programs relating to soil erosion and stormwater management, directing the State Water Control Board (the Board) to permit, regulate, and control both erosion and stormwater runoff.

The bill requires any locality that operates a municipal separate storm sewer system (MS4) or a Virginia Stormwater Management Program (VSMP) to adopt a Virginia Erosion and Stormwater Management Program (VESMP) that regulates any land-disturbing activity that disturbs an area of 10,000 square feet or more, or 2,500 square feet or more if in a Chesapeake Bay Preservation Area. A locality that lacks an MS4 and for which the Department of Environmental Quality (DEQ) is currently administering a VSMP is required to (i) adopt such a VESMP, (ii) adopt such a VESMP with DEQ conducting plan review and making recommendations on the compliance of each plan with technical criteria, or (iii) continue to operate a separate Virginia Erosion and Sediment Control Program (VЕСP) that regulates any disturbance of 10,000 square feet or more and, in a Preservation Area, regulates a disturbance of 2,500 square feet or more and meets certain other requirements. Any eligible locality that chooses the third option is to have a VSMP administered on its behalf by the Board for any land-disturbing activity that disturbs one acre or more of land, including an activity that disturbs a smaller area but is part of a larger development that results in a disturbance of one acre or more. Towns are afforded additional options in relation to the counties in which they are located.

The bill directs certain charges or penalties to the Stormwater Local Assistance Fund, which provides matching grants to local governments for stormwater best management practices. Finally, the bill directs DEQ to evaluate fees related to the consolidated Virginia Erosion and Stormwater Management Program and directs the Board to adopt regulations to carry out the purposes of the bill, delaying the effective date of the bill until

the later of July 1, 2017, or 30 days after the adoption of such regulations.

*Patron - Hanger*

## Failed

**HB394 Transfers to the Port Opportunity Fund.** Creates an exception to an annually determined transfer to the Port Opportunity Fund if the Secretary of Transportation determines that the transfer is not in the long-term interest of the Virginia Port Authority.

*Patron - Heretick*

**HB447 Management of industrial wastes and biosolids.** Requires that permits issued for the land application of industrial wastes and sewage sludge (biosolids) include the monitoring and testing of those pharmaceutical, pathogens, personal care products, and prions for which concentration limits have been incorporated in federal regulations or standards for land application. The bill also directs the State Water Control Board to establish requirements in Virginia Pollution Abatement permits that a nutrient management plan be developed for the land application of industrial wastes. Currently, nutrient management plans are required for the land application of biosolids. The current minimum setback from an improved roadway to the land application of biosolids from an improved roadway, as established by regulation, is 10 feet. The bill increases to 100 feet the minimum setback from an improved roadway to the location of the land application of industrial wastes or biosolids.

*Patron - Ware*

**HB479 Posting notice of possible water pollution.** Requires a locality, upon receipt of notification from the Department of Environmental Quality that a water quality violation has occurred that poses an imminent threat to the health, safety, or welfare of the public, to post signage at public access points to affected waters warning residents that the water body may be polluted.

*Patron - Kory*

**HB493 Virginia Energy Efficiency Revolving Fund.** Creates the Virginia Energy Efficiency Revolving Fund to provide no-interest loans to any locality, school division, or public institution of higher education funded by 40 percent of annual revenue over \$325 million of certain state recordation taxes and other funds given to the Fund.

*Patron - Sullivan*

**HB787 Acquisition of nutrient credits for construction activities.** Allows persons applying for a stormwater permit to acquire nutrient credits for construction activities from credit providers located outside the tributary where the construction activity is occurring. Currently, the acquisition of such credits is generally limited to the same or adjacent eight-digit hydrologic code as defined by the U.S. Geological Survey.

*Patron - Adams*

**HB977 Discharge of deleterious substance into state waters; notice.** Requires any person who unlawfully discharges any deleterious substance into state waters to notify the State Water Control Board (the Board), the Department of Environmental Quality (the Department), or the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice. The bill also requires that written notice follow to the Board, in addition to the Department, and specifies that the required



report of potentially detrimental discharges by the Board or the Department to local newspapers, television stations, and radio stations be provided to such media outlets as soon as practicable after receiving it.

*Patron - Lopez*

**[F]HB1085 Stormwater Local Assistance Fund.** Establishes the Stormwater Local Assistance Fund to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads.

*Patron - Bulova*

**[F]HB1162 Conservation of ground water.** Directs the State Water Control Board to establish a voluntary ground water conservation incentive program. The program is designed to provide incentives to those ground water permittees who agree to adopt measures that would (i) substantially reduce their reliance on ground water, (ii) transition to alternative water sources, or (iii) develop necessary infrastructure. The permittee would have to agree to either a 50 percent reduction in the amount authorized by its permit or certificate that is in effect on January 1, 2015, or achieve a comparable level of conservation by any combination of authorized withdrawal amount reduction and alternative options approved by the Board. These conditions are referred to as "qualification criteria" and will be used to determine the permittee's eligibility for the program. If a permittee is accepted into the program he will have a transition period, not to exceed 15 years, to meet the criteria. Each permittee that agrees to the qualification will have the benefit of a "regulatory certainty" period of 20 years during which the amount of withdrawal cannot be reduced, except in limited circumstances.

*Patron - Tyler*

**[F]HB1212 Chesapeake Bay Watershed Implementation Plan.** Directs state agencies to remove the Chesapeake Bay coastal watershed from inclusion in the York or James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan.

*Patron - Helsel*

**[F]HB1235 Impaired waters clean-up plan; progress report; annual submission.** Reduces from semiannual to annual the requirement in the Chesapeake Bay and Virginia Waters Clean-Up and Oversight Act that the Secretary of Natural Resources submit a progress report on the implementation of the impaired waters clean-up plan to several legislative oversight committees.

*Patron - Lingamfelter*

**[F]HB1320 Transfers to the Port Opportunity Fund.** Removes the requirement that if the Virginia Port Authority's revenues exceed expenditures by at least five percent the Authority transfer five percent of that year's revenues from terminal operations to the Port Opportunity Fund.

*Patron - Leftwich*

**[F]HB1340 Administration of stormwater management programs.** Requires the Department of Environmental Quality to operate stormwater management programs that regulate land-disturbing activities that disturb from 2,500 square feet to up to one acre in localities east of Interstate 95 that fall under the provisions of the Chesapeake Bay Preservation Act and that elect not to operate such a program.

*Patron - Hodges*

water conservation incentive program. The program is designed to provide incentives to those ground water permittees who agree to adopt measures that would (i) substantially reduce their reliance on ground water, (ii) transition to alternative water sources, or (iii) develop necessary infrastructure. The permittee would have to agree to either a 50 percent reduction in the amount authorized by its permit or certificate that is in effect on January 1, 2015, or achieve a comparable level of conservation by any combination of authorized withdrawal amount reduction and alternative options approved by the Board. These conditions are referred to as "qualification criteria" and will be used to determine the permittee's eligibility for the program. If a permittee is accepted into the program he will have a transition period, not to exceed 15 years, to meet the criteria. Each permittee that agrees to the qualification will have the benefit of a "regulatory certainty" period of 20 years during which the amount of withdrawal cannot be reduced, except in limited circumstances.

*Patron - Lucas*

**[F]SB484 Stormwater management regulations; water quality and quantity design criteria; unenforceable unless amended.** Prohibits the enforcement of any design criterion concerning water quality or quantity contained in Part II B of the stormwater management regulations until the State Water Control Board amends the design criteria to bring them up to date, correct the errors they contain, and coordinate them with the rest of the stormwater management regulations. Until the regulations are reissued, the design criteria contained in Part II C shall apply instead.

*Patron - DeSteph*

**[F]SB581 Discharge of deleterious substance into state waters; notice.** Requires any person who unlawfully discharges any deleterious substance into state waters to notify the State Water Control Board (the Board), the Department of Environmental Quality (the Department), or the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice. The bill also requires that written notice follow to the Board, in addition to the Department, and specifies that the required report of potentially detrimental discharges by the Board or the Department to local newspapers, television stations, and radio stations be provided to such media outlets as soon as practicable after receiving it.

*Patron - McEachin*

**[F]SB693 Transfers to the Port Opportunity Fund.** Removes the requirement that if the Virginia Port Authority's revenues exceed expenditures by at least five percent the Authority transfer five percent of that year's revenues from terminal operations to the Port Opportunity Fund. The bill makes technical amendments. This bill was incorporated into SB 625.

*Patron - Cosgrove*

**[F]SB726 Erosion and sediment control plans; utility company projects.** Clarifies that the permission given to utility companies to file annually general erosion and sediment control standards and specifications with the Department of Environmental Quality does not apply to a project that disturbs 50 acres of land or more in any one locality. A utility company undertaking such a project will be required to file a project-specific plan.

*Patron - Edwards*

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## Carried Over

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**[C]HB1065 Conservation of ground water.** Directs the State Water Control Board to establish a voluntary ground water conservation incentive program. The program is designed to provide incentives to those ground water permittees who agree to adopt measures that would (i) substantially reduce their reliance on ground water, (ii) transition to alternative water sources, or (iii) develop necessary infrastructure. The permittee would have to agree to either a 50 percent reduction in the amount authorized by its permit or certificate that is in effect on January 1, 2015, or achieve a comparable level of conservation by any combination of authorized withdrawal amount reduction and alternative options approved by the Board. These conditions are referred to as "qualification criteria" and will be used to determine the permittee's eligibility for the program. If a permittee is accepted into the program he will have a transition period, not to exceed 15 years, to meet the criteria. Each permittee that agrees to the qualification will have the benefit of a "regulatory certainty" period of 20 years during which the amount of withdrawal cannot be reduced, except in limited circumstances.

*Patron - Jones*

**[C]SB558 Dredging; TMDL credits; request for assignment of credits equivalent to street sweeping.** Requests the Chesapeake Bay Program, a regional partnership directing the restoration of the Chesapeake Bay, to approve a certain type of dredging as a creditable practice for pollutant removal and to assign to it a number of total maximum daily load (TMDL) credits equivalent to those assigned to the removal of pollutants by street sweeping.

*Patron - DeSteph*

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## Welfare (Social Services)

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### Passed

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**[P]HB248 Financial exploitation of adults.** Provides that upon receipt of a report or during an adult protective services investigation of suspected financial exploitation of an adult who is 60 years old or older or incapacitated in which financial losses to such adult resulting from the exploitation are suspected to be greater than \$50,000, the local department of social services or adult protective services hotline shall immediately refer the matter to the local law-enforcement agency for investigation. This bill is identical to SB 249.

*Patron - Minchew*

**[P]HB373 Confidentiality of information about victims of certain crimes.** Provides that, in order to ensure the safety of any adult or child victim of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1 and their families, programs and individuals providing services to such victims shall protect the confidentiality and privacy of persons receiving services by limiting the disclosure of information about such victims. The bill also clarifies that a person is a victim for purposes of such confidentiality and privacy protections regardless of whether any person has been charged with or convicted of any offense. The bill also provides that an alleged abuser of a minor or incapacitated person or of the minor's other parent may not consent to the release of confidential information. This bill incorporates HB 554 and is identical to SB 253.

*Patron - Yancey*

**[P]HB435 Licensure of adult day care centers; Programs for All-Inclusive Care for the Elderly; exemption.** Exempts adult day care centers that provide services only to individuals enrolled in a Programs of All-Inclusive Care for the Elderly program from the requirement for obtaining a license issued by the Department of Social Services.

*Patron - Stolle*

**[P]HB559 Department of Social Services; obsolete reporting requirements.** Eliminates the requirement for an annual report assessing the Temporary Assistance for Needy Families Program and regular reports on the fulfillment of Department of Social Services responsibilities related to faith-based and community initiatives.

*Patron - Orrock*

**[P]HB600 Child welfare mandates.** Imposes certain mandates related to the protection and encouragement of children, including a requirement that certain information and options be given to a child in connection with foster care plans, the imposition of certain age-appropriate restrictions, and requirements of both the courts and the Department of Social Services regarding foster care plans. The bill adds to the definition of abused or neglected child any child who has been identified as a victim of sex trafficking or severe forms of trafficking as defined by the federal law.

*Patron - Bell, Richard P.*

**[P]HB674 Kinship foster care; waiver of foster home approval standards.** Allows local boards of social services, subject to approval by the Commissioner of the Department of Social Services, to grant a waiver regarding the Board's standards for foster home approval, set forth in regulations, that are not related to safety.

*Patron - Peace*

**[P]HB782 Proceedings against persons liable for support.** Repeals the authority of a local board of social services to proceed in a manner provided by law against any person who is liable for support of an applicant or recipient of public assistance to require such person, if of sufficient financial ability, to support the applicant or recipient.

*Patron - Helsel*

**[P]HB896 Background checks; certain private school employees.** Requires the governing board or administrator of a private elementary or secondary school that is accredited pursuant to § 22.1-19 of the Code of Virginia that operates a child welfare agency regulated by the Department of Social Services to accept evidence of a background check conducted by the Department of Social Services in lieu of a background check in accordance with the requirements governing private schools, beginning on July 1, 2016. The bill also requires governing boards or administrators of private schools accredited pursuant to § 22.1-19 to require, as a condition of employment, that any applicant who is offered or who accepts employment requiring direct contact with students provide written consent and personal information necessary to obtain a search of the central registry of founded complaints of child abuse and neglect maintained by the Department of Social Services beginning on July 1, 2016.

*Patron - Greason*

**[P]HB920 Barrier crimes.** Adds conviction or a finding that a person is not guilty by reason of insanity of any offense that results in the offender's requirement to register with the Sex Offender and Crimes Against Minors Registry to the list of crimes that constitute a barrier to licensure as a child welfare agency or assisted living facility, approval as a foster or adoptive parent by a child-placing agency, approval as a family day

home by a family day system, or employment or serving as a volunteer at a children's residential facility, assisted living facility, adult day care center, or child welfare agency.

*Patron - Mason*

**[P]HB991 Virginia Initiative for Employment not Welfare(VIEW); education and training programs.** Allows local departments of social services to place VIEW participants who are in need of job skills and who would benefit from additional job skills training in an apprenticeship program developed by the local department in accordance with requirements established by the Department of Social Services.

*Patron - Lopez*

**[P]HB1026 Department of Social Services; electronic notices.** Allows the Department of Social Services to deliver certain notices by electronic means, which in some cases is access to a secure portal for receipt of such notices. Under current law, such notices generally require service of notice or delivery by certified mail, return receipt requested. The bill allows the delivery by electronic means of notices of (i) intent to suspend a debtor's driver's license due to delinquency in the payment of child support; (ii) the availability of federal and state earned income tax credits to all recipients of public benefits; (iii) an action to enforce certain orders directing the payment of child or spousal support; (iv) an action to review the amount of support ordered; (v) withholding from a noncustodial parent's income for support obligations; (vi) intent to enforce a support lien by distraint, seizure, and sale of the property subject to such lien; (vii) a petition for a court order to suspend any license, certificate, registration, or other authorization to engage in a business, trade, or recreational activity issued to the obligor of a support order by the Commonwealth due to delinquency in payment; (viii) certain administrative decisions of hearing officers; and (ix) payments of public assistance benefits or child support services.

*Patron - Sickles*

**[P]HB1207 Family and Children's Trust Fund; exempt from taxation.** Clarifies that the Family and Children's Trust Fund performs an essential governmental function and thus gifts, contributions, grants, devises, or bequests, whether personal or real property, and the income therefrom, accepted by the Trust Fund are exempt from all state and local taxes and regarded as the property of the Commonwealth for the purposes of all tax laws. This bill is identical to SB 346.

*Patron - Peace*

**[P]SB249 Financial exploitation of adults.** Provides that upon receipt of a report or during an adult protective services investigation of suspected financial exploitation of an adult who is 60 years old or older or incapacitated in which financial losses to such adult resulting from the exploitation are suspected to be greater than \$50,000, the local department of social services or adult protective services hotline shall immediately refer the matter to the local law-enforcement agency for investigation. This bill incorporates SB 412 and is identical to HB 248.

*Patron - Black*

**[P]SB253 Confidentiality of information about victims of certain crimes.** Provides that, in order to ensure the safety of any adult or child victim of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1 and their families, programs and individuals providing services to such victims shall protect the confidentiality and privacy of persons receiving services by limiting the disclosure of information about such victims. The bill also clarifies that a person is a victim for purposes of such confidentiality and privacy protections regardless of whether any person has been charged with or

convicted of any offense. The bill also provides that an alleged abuser of a minor or incapacitated person or of the minor's other parent may not consent to the release of confidential information. This bill incorporates SB 771 and is identical to HB 373.

*Patron - DeSteph*

**[P]SB278 Criminal history background checks; continued employment of individuals convicted of an offense.** Prohibits assisted living facilities, adult day care centers, licensed and registered child welfare agencies, and family day homes approved by family day systems from continuing to employ individuals who have been convicted of specific offenses as defined in § 63.2-1719 that are barriers to employment.

*Patron - Wexton*

**[P]SB346 Family and Children's Trust Fund; exempt from taxation.** Clarifies that the Family and Children's Trust Fund performs an essential governmental function and thus gifts, contributions, grants, devises, or bequests, whether personal or real property, and the income therefrom, accepted by the Trust Fund are exempt from all state and local taxes and regarded as the property of the Commonwealth for the purposes of all tax laws. This bill is identical to HB 1207.

*Patron - Dance*

**[P]SB417 Department of Social Services; unauthorized practice of law.** Allows designated nonattorney employees of a local department of social services to (i) initiate a case on behalf of the local department by appearing before an intake officer and (ii) complete, sign, and file with the clerk of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, and motions for a rule to show cause. The bill also directs directors of local departments of social services to designate nonattorney employees who are authorized to perform such tasks. This bill is identical to HB 1207.

*Patron - Vogel*

**[P]SB467 Child day programs; exemptions from licensure.** Exempts from licensure any child day program that is (i) an instructional program offered by a public school that serves preschool-age children or that satisfies compulsory attendance laws or the Individuals with Disabilities Education Act, as amended, or (ii) a program of school-sponsored extracurricular activities that is focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language. The bill also removes the directive that any education and care programs provided by public schools that are not exempt from licensure be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the Department of Social Services.

*Patron - Wagner*

**[P]SB732 Assisted living facilities; hospice care.** Provides that, to the extent allowed by federal law, no assisted living facility shall be required to provide or allow hospice care if such hospice care restrictions are included in a disclosure statement that is signed by the resident prior to admission.

*Patron - Hanger*

## Failed

**[F]HB81 Foster care records; retention and destruction.** Provides that, notwithstanding any other provision of law, the Commissioner of Social Services shall reserve all records related to foster care cases for a period of 22 years after the date of birth of the child who is the subject of the foster care case.

*Patron - Cole*

**[F]HB86 Department of Social Services; pilot program for substance abuse screening and assessment for VIEW; report.** Requires the Department of Social Services to develop a pilot program for screening and assessing participants in the Virginia Initiative for Employment not Welfare program for use of illegal substances. The bill requires the Department to provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2016, and a final report on the results of the pilot program no later than December 1, 2017.

*Patron - Morris*

**[F]HB203 Extended foster care services and support.** Creates the Extended Foster Care Services and Support Program to provide foster care services and support, including foster care maintenance payments, to qualifying individuals age 18 to 21 who were formerly in the custody of a local board of social services.

*Patron - Lingamfelter*

**[F]HB291 Financial exploitation of adults.** Provides that upon receipt of a report of suspected financial exploitation of an adult 60 years old or older or incapacitated in which financial losses to such adult resulting from the exploitation are suspected to be greater than \$50,000, the local department of social services or adult protective services hotline shall immediately refer the matter and all relevant documentation to both the Department of State Police and the local law-enforcement agency where the adult resides or where the alleged exploitation took place, or if these places are unknown, where the alleged exploitation was discovered, for investigation.

*Patron - Herring*

**[F]HB297 Assisted living facility; definition; number of individuals receiving care.** Increases from four to seven, in the definition of "assisted living facility" as it applies throughout Title 63.2, Welfare (Social Services), the minimum number of individuals who are receiving care in a facility in order for the other requirements of the definition to apply.

*Patron - Austin*

**[F]HB468 Department of Social Services; pilot program for substance abuse screening and assessment for VIEW; report.** Requires the Department of Social Services to develop a pilot program for screening and assessing participants in the Virginia Initiative for Employment not Welfare program for use of illegal substances. The bill also requires the Department to provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2016, and a final report on the results of the pilot program to the Governor and the General Assembly no later than December 1, 2017.

*Patron - Head*

**[F]HB474 Secretary of Health and Human Resources; task force to study requirements for criminal history background checks for child-care providers; report.** Directs the Secretary of Health and Human Resources to convene a task

force composed of child-care providers and other stakeholders to review requirements for certain categories of child-care providers, including those exempt from licensure pursuant to § 63.2-1715, and to develop recommendations to promote the health, safety, and development of children in child-care settings. The task force shall submit a report on its activities, findings, and conclusions to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2016.

*Patron - Filler-Corn*

**[F]HB513 Financial exploitation of adults.** Provides that upon receipt of a report of suspected financial exploitation of an adult 60 years old or older or incapacitated in which financial losses to such adult resulting from the exploitation are suspected to be greater than \$50,000, the local department of social services or adult protective services hotline shall immediately refer the matter and all relevant documentation to both the Department of State Police and the local law-enforcement agency where the adult resides or where the alleged exploitation took place, or if these places are unknown, where the alleged exploitation was discovered, for investigation.

*Patron - Murphy*

**[F]HB552 Adult protective services; investigations.** Requires local departments of social services and local law-enforcement agencies that initiate an investigation upon receipt of a valid report of suspected abuse, neglect, or exploitation of an adult 60 years old or older or incapacitated in a custodial setting or by a licensed health care professional to convey to all appropriate licensing, regulatory, or legal authorities (i) the name of the facility, program, or individual and (ii) the final disposition of such investigations. The bill requires any licensing, regulatory, or legal authorities receiving such information to retain it on file with any other information associated with the facility, program, or individual and, upon receiving the final disposition, to discard the initial report. The bill exempts any information exchanged under these provisions from the disclosure requirements of the Virginia Freedom of Information Act.

*Patron - Watts*

**[F]HB554 Confidentiality of information about victims of certain crimes.** Provides that, in order to ensure the safety of any adult or child victim of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1 and their families, programs and individuals providing services to such victims shall protect the confidentiality and privacy of persons receiving services by limiting the disclosure of information about such victims. This bill was incorporated into HB 373.

*Patron - Bulova*

**[F]HB620 Financial exploitation of elderly or disabled adults.** Authorizes a financial institution and its staff to refuse to execute a transaction or disburse funds if the financial institution or its staff (i) in good faith believes the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult or (ii) makes, or has actual knowledge that another person has made, a report to the local adult protective services department or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult.

*Patron - Krizek*

**[F]HB714 Supplemental Nutrition Assistance Program; electronic benefit transfer (EBT) card.** Requires food stamp program recipients to show photo identification in order to use an EBT card to access benefits. The bill directs the

Department of Social Services to establish procedures to ensure that all appropriate household members or authorized representatives of such recipients are able to access benefits from the account as necessary and that the electronic benefit transfer system is implemented and operated in a manner that maintains equal treatment of food stamp program recipients and other patrons.

*Patron - Marshall, R.G.*

**[F]HB824 Supplemental Nutrition Assistance Program; limitations.** Limits the locations in which electronic benefit transfer cards may be used to the Commonwealth, the District of Columbia, Kentucky, Maryland, North Carolina, Tennessee, and West Virginia, unless the Supplemental Nutrition Assistance Program recipient is granted a waiver by the Department of Social Services. The bill also provides that in the event a recipient uses an electronic benefit transfer card in any other location, the recipient is required to return such funds and thereby forfeits eligibility for future benefits. The bill contains technical amendments regarding the name of the food stamp program.

*Patron - LeMunyon*

**[F]HB828 TANF eligibility; drug-related felonies.** Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families benefits shall not be denied such benefits solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he is not using illegal drugs, complies with all obligations imposed by the criminal court and the Department of Social Services, and is actively engaged in or has completed substance abuse treatment.

*Patron - Torian*

**[F]HB836 Substance abuse screening and assessment of public assistance applicants and recipients.** Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department of Social Services shall require drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year.

*Patron - Cline*

**[F]HB935 Extended foster care services and support.** Creates the Extended Foster Care Services and Support Program to provide foster care services and support, including foster care maintenance payments, to qualifying individuals age 18 to 21 years who were formerly in the custody of a local board of social services.

*Patron - Toscano*

**[F]HB990 TANF; federal funds not used to supplant nonfederal funds.** Provides that federal funds made available to a the Commonwealth for purposes of the Temporary Assistance for Needy Families (TANF) program shall not be used to supplant nonfederal funds for existing services and activities that promote a purpose of TANF and that state or local funds expended for such a purpose shall be maintained at least at the level of such expenditures for fiscal year 2015-2016.

*Patron - Lopez*

**[F]HB992 Eligibility for TANF; drug-related felonies.** Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance solely because he has been convicted of a fel-

ony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed a substance abuse treatment program, and participates in drug screenings. The bill provides that a person who fails or refuses to participate in periodic drug testing or who tests positive for the use of illegal substances shall be ineligible to receive TANF benefits for a period of 12 months; however, such person is given one opportunity during the 12-month period to comply with the testing requirement and be reinstated to eligibility for TANF benefits.

*Patron - Lopez*

**[F]HB1028 TANF; federal funds not used to supplant nonfederal funds.** Provides that federal funds made available to a the Commonwealth for purposes of the Temporary Assistance for Needy Families (TANF) program shall not be used to supplant nonfederal funds for existing services and activities that promote a purpose of TANF and that state or local funds expended for such a purpose shall be maintained at least at the level of such expenditures for fiscal year 2015-2016.

*Patron - Sickles*

**[F]HB1055 Foster care homes; firearm storage.** Authorizes a person in lawful possession of a firearm, ammunition, or components or combination thereof to store such items on the premises of a foster care home in a locked container, compartment, or cabinet with safety mechanisms activated. The bill provides that any person residing on the premises of a foster care home may lawfully carry a firearm in the presence of a child placed in foster care provided that such person is off the premises of the foster care home. The bill does not apply to persons residing in a licensed or approved foster care home in which no child in foster care is currently placed.

*Patron - Pillion*

**[F]HB1129 Department of Social Services; annual review of payments made to TANF recipients and indexing of such payments to the Consumer Price Index.** Requires the Department of Social Services (the Department) to develop and implement a process for annually reviewing the amount of assistance paid to eligible recipients through the Temporary Assistance for Needy Families program and adjusting the amount of such payments in an amount equal to the percentage change in the Consumer Price Index for the year immediately preceding the year in which the review occurs to compensate for inflation. The bill requires the Department to report to the Governor and the General Assembly on its progress in implementing the provisions of the bill no later than December 1, 2016.

*Patron - Kory*

**[F]HB1184 DSS; increase TANF benefits.** Directs the Commissioner of Social Services to increase the amount paid to eligible recipients through the Temporary Assistance for Needy Families program by 10 percent each year for three consecutive years beginning July 1, 2016.

*Patron - Krizek*

**[F]HB1309 Office of Immigrant Assistance created.** Establishes in the Department of Social Services an Office of Immigrant Assistance (the Office) to assist persons lawfully entering the United States and the Commonwealth for the purpose of becoming citizens. The Office shall provide (i) advice and assistance regarding the citizenship application process and (ii) assistance with finding and securing employment, housing, and services for which such persons may be eligible.

*Patron - Keam*

**SB269 State Board of Social Services; membership.** Amends requirements governing the composition of the 11-member State Board of Social Services by replacing the requirement that one member be a representative of a stand-alone licensed child care center that meets the accountability standards of state recognized accreditation and one member be a representative of a religiously exempt child care center with a requirement that two members be representatives of regulated child care providers.

*Patron - Chafin*

**SB276 Local child protective services; reporting.** Requires local departments of social services to report all active investigations and assessments related to child abuse or neglect to the Department of Social Services on a monthly basis.

*Patron - Wexton*

**SB385 Foster and adoptive parents; waiver.** Provides the same criminal conviction waiver process for foster and adoptive parents that is currently available to persons who seek to operate, volunteer at, or work at child welfare agencies.

*Patron - Hanger*

**SB412 Financial exploitation of adults.** Provides that upon receipt of a report of suspected financial exploitation of an adult 60 years old or older or incapacitated in which financial losses to such adult resulting from the exploitation are suspected to be greater than \$50,000, the local department of social services or adult protective services hotline shall immediately refer the matter and all relevant documentation to both the Department of State Police and the local law-enforcement agency where the adult resides or where the alleged exploitation took place, or if these places are unknown, where the alleged exploitation was discovered, for investigation. This bill was incorporated into SB 249.

*Patron - Barker*

**SB433 Kinship Guardianship Assistance program.** Creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program.

*Patron - Favola*

**SB435 Office of Immigrant Assistance created.** Establishes in the Department of Social Services an Office of Immigrant Assistance (the Office) to assist persons lawfully entering the United States and the Commonwealth for the purpose of becoming citizens. The Office shall provide (i) advice and assistance regarding the citizenship application process and (ii) assistance with finding and securing employment, housing, and services for which such persons may be eligible.

*Patron - Ebbin*

**SB436 Fostering Futures program.** Establishes the Fostering Futures program to provide services and support to individuals between the ages of 18 and 21 who were formerly in foster care as a minor and are transitioning to adulthood and self-sufficiency.

*Patron - Favola*

**SB635 TANF eligibility; drug-related felonies.** Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families shall not be denied

assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings.

*Patron - Favola*

**SB771 Confidentiality of information about victims of certain crimes.** Provides that, in order to ensure the safety of any adult or child victim of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1 and their families, programs and individuals providing services to such victims shall protect the confidentiality and privacy of persons receiving services by limiting the disclosure of information about such victims. This bill was incorporated into SB 253.

*Patron - Ebbin*

## Carried Over

**HB500 Child care providers; criminal history background checks.** Requires all applicants for licensure as a family day system, registration as a family day home, and approval as a family day home by a family day system, all child day centers that are exempt from licensure by the Department of Social Services, and all child day centers and family day homes that enter into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant, as well as all applicants for employment, employees, applicants to volunteer, and volunteers at such child day centers, family day homes, and family day systems, to undergo fingerprint-based national criminal history background checks beginning July 1, 2017. The bill also requires individuals currently employed by or serving as volunteers at a licensed child day center, family day home, or family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, family day home approved by a family day system, or child day center or family day home that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant to undergo a national background check to be completed by July 1, 2017. In addition, every (i) person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system; (ii) agent of a person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system or who will be involved in the day-to-day operations of the child day center, family day home, or family day system or who is or will be alone with, in control of, or supervising one or more children in a child day center, family day home, or family day system; and (iii) adult living in a licensed child day center or family day home, registered family day home, or family day home approved by a family day system, shall undergo a national background check to be completed by July 1, 2017.

*Patron - Filler-Corn*

**HB881 Child day programs; exemptions from licensure.** Exempts from the child day program licensure requirements any martial arts program operated during the summer months if children under the age of five do not attend, the program operates between the hours of 9:00 a.m. and 5:00 p.m., and the program does not serve food or administer medicine to

program participants unless it is necessary for the well-being of the child.

*Patron - Hugo*

**[C]HB1306 Voluntary listing of certain family day homes.** Provides for the voluntary inclusion of certain family day homes that provide care for fewer than five children on a list of family day homes maintained by the Department of Social Services (the Department). Such voluntary listing replaces the voluntary registration of family day homes with the Department under current law.

*Patron - Orrock*

**[C]SB419 Operation of a child welfare agency without a license; negligence resulting in death of or injury to a child; penalty.** Provides that in any case in which a person operates or engages in the conduct of a child welfare agency without first obtaining a license, and a child under the care or supervision of such child welfare agency suffers death or serious bodily injury as a result of the child care provider's negligent operation of such child welfare agency, such person is guilty of a Class 4 felony.

*Patron - Vogel*

**[C]SB601 Child care providers; criminal history background checks.** Requires all applicants for licensure as a family day system, registration as a family day home, and approval as a family day home by a family day system, all child day centers that are exempt from licensure by the Department of Social Services, and all child day centers and family day homes that enter into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant, as well as all applicants for employment, employees, applicants to volunteer, and volunteers at such child day centers, family day homes, and family day systems, to undergo fingerprint-based national criminal history background checks beginning July 1, 2017. The bill also requires individuals currently employed by or serving as volunteers at a licensed child day center, family day home, or family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, family day home approved by a family day system, or child day center or family day home that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant to undergo a national background check to be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth. In addition, every (i) person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system; (ii) agent of a person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system or who will be involved in the day-to-day operations of the child day center, family day home, or family day system or who is or will be alone with, in control of, or supervising one or more children in a child day center, family day home, or family day system; and (iii) adult living in a licensed child day center or family day home, registered family day home, or family day home approved by a family day system, shall undergo a national background check to be completed by September 30, 2017, or by the date specified on any federal waiver obtained by the Commonwealth.

*Patron - Wexton*

## Wills, Trusts, and Fiduciaries

### Passed

**[P]HB230 Judicial creation of trusts.** Clarifies that a circuit court may create and establish a trust upon petition of an interested party. The bill states that its provisions are declarative of existing law.

*Patron - Minchew*

**[P]HB231 Augmented estate; elective share of surviving spouse.** Revises provisions of the Code related to the elective share of the surviving spouse of a decedent dying on or after January 1, 2017, to track revisions made to the Uniform Probate Code by the Uniform Law Commission. The bill calculates the elective share of the surviving spouse as a graduated percentage, taking into account both spouses' assets and the length of marriage. Under current law, the surviving spouse is awarded 50% of the estate if there were no children and 33.3% if there were children. The bill also clarifies the process by which the elective share is to be claimed and provides instructions for the valuation of assets to encourage uniformity in the method of calculation of the elective share. This bill is identical to SB 181.

*Patron - Leftwich*

**[P]HB342 Guardianship; communication between incapacitated person and others.** Provides that a guardian shall not unreasonably restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship. This bill is identical to SB 466.

*Patron - Pogge*

**[P]HB1266 Guardianship appointments, modifications, and terminations; notice to the Department of Medical Assistance Services.** Requires that notices of guardianship appointments, modifications, and terminations be sent to the Department of Medical Assistance Services. Current law requires that such notices be sent only to the local department of social services.

*Patron - Habeeb*

**[P]HB1267 Petitions for guardianship or conservatorship; orders prior to the respondent's eighteenth birthday.** Clarifies that a court may enter an order of appointment for a respondent's parent or guardian, or other person if there is no living parent or guardian, prior to the respondent's eighteenth birthday. The bill requires that any such order state whether the order takes effect immediately upon entry or on the child's eighteenth birthday.

*Patron - Habeeb*

**[P]SB127 Uniform Powers of Appointment Act.** Codifies the Uniform Powers of Appointment Act (the Act), which governs the use of an estate planning tool that permits the owner of property to name a third party and give that person the power to direct the distribution of that property among some class of eligible recipients. The Act is based on the Restatement (Third) of Property: Wills and Other Donative Transfers and was adopted by the Uniform Law Commission in 2013.

*Patron - Edwards*

**[P]SB181 Augmented estate; elective share of surviving spouse.** Revises provisions of the Code related to the elective share of the surviving spouse of a decedent dying on or after



January 1, 2017, to track revisions made to the Uniform Probate Code by the Uniform Law Commission. The bill calculates the elective share of the surviving spouse as a graduated percentage, taking into account both spouses' assets and the length of marriage. Under current law, the surviving spouse is awarded 50% of the estate if there were no children and 33.3% if there were children. The bill also clarifies the process by which the elective share is to be claimed and provides instructions for the valuation of assets to encourage uniformity in the method of calculation of the elective share. This bill is identical to HB 231.

*Patron - Chafin*

**[P]SB466 Guardianship; communication between incapacitated person and others.** Provides that a guardian shall not unreasonably restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship. This bill incorporates SB 632 and is identical to HB 342.

*Patron - Wagner*

## Failed

**[F]SB2 Public guardian or conservator acting as trustee for trust of incapacitated person.** Excepts from the definition of "trust business" the holding of assets as a trustee of a trust if the trustee (i) is a designee under the Virginia Public Guardian and Public Conservator Program of the Department for Aging and Rehabilitative Services and (ii) has been ordered by a court to serve as a guardian or conservator for an incapacitated person whom the trust primarily benefits. Under current law, engaging in trust business is generally prohibited unless specifically authorized by law.

*Patron - Lucas*

**[F]SB507 Judicial creation of trusts.** Clarifies that a circuit court may create and establish a trust upon petition of an interested party. The bill states that its provisions are declarative of existing law.

*Patron - Sturtevant*

**[F]SB632 Guardianship; communication between incapacitated person and members of his family.** Provides that an incapacitated person for whom a guardian has been appointed has the right of communication, visitation, or interaction with family members with whom the incapacitated person has expressed a desire to communicate, visit, or interact. The bill provides that a guardian may place reasonable time, place, or manner restrictions on communication, visitation, or interaction between the incapacitated person and family members; however, the guardian may deny communication, visitation, or interaction only with consent of the court and upon good cause shown. This bill was incorporated into SB 466.

*Patron - McEachin*

## Workers' Compensation

### Passed

**[P]HB44 Workers' compensation; injuries presumed to be in course of employment.** Establishes presumptions in claims under the Virginia Workers' Compensation Act that the accident arose out of and in the course of employment if the employee (i) dies with there being no evidence that he ever regained consciousness after the accident, (ii) dies at the acci-

dent location or nearby, or (iii) is found dead where he is reasonably expected to be as an employee. These presumptions will exist in the absence of a preponderance of evidence to the contrary and where the factual circumstances are of sufficient strength from which the only rational inference to be drawn is that the accident arose out of and in the course of employment.

*Patron - Habeeb*

**[P]HB378 Workers' compensation; fee schedules for medical services.** Directs the Workers' Compensation Commission (the Commission) to adopt regulations establishing fee schedules setting the maximum pecuniary liability of the employer for medical services provided to an injured person pursuant to the Virginia Workers' Compensation Act, in the absence of a contract under which the provider has agreed to accept a specified amount for the medical service. The regulations implementing the fee schedules shall become effective on January 1, 2018. The initial fee schedules will set amounts based on a reimbursement objective, which is the average of all amounts paid to providers in the same category of providers for the medical service in the same medical community. The Commission is required to retain a firm to assist it in establishing the initial fee schedules. The firm will recommend a methodology that will provide statistically valid estimates of the reimbursement objective for fee scheduled medical services within the medical communities. Reimbursements for medical services provided to treat traumatic injuries and serious burns are excluded from the fee schedules and liability for their treatment costs will be based, absent a contract, on 80 percent of the provider's charges. However, the required reimbursement will be 100 percent of the provider's charges if the employer unsuccessfully contests the compensability of the claim. The Commission is required to review and revise the fee schedules in the year after they become effective and biennially thereafter. The liability of the employer for certain medical services not included in a fee schedule will be set by the Commission. A stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims when the total charges exceed a charge outlier threshold, which initially is 150 percent of the maximum fee for the service set forth in the applicable fee schedule. Providers are prohibited from using a different charge master or schedule of fees for any medical service provided for workers' compensation patients than the provider uses for health care services provided to patients who are not claimants. The measure requires the Commission, when determining whether the employee's attorney's work with regard to a contested claim resulted in an award of benefits that inure to the benefit of a third-party insurance carrier or health care provider, and in determining the reasonableness of the amount of any fee awarded to an attorney, to consider only the amount paid by the employer or insurance carrier to the third-party insurance carrier or health care provider for medical services rendered to the employee through a certain date and not to consider additional amounts previously paid to a health care provider or reimbursed to a third-party insurance carrier. The Commission shall have an independent, peer-reviewed study conducted every two years. The regulations setting fee schedules are exempt from the Administrative Process Act if the Commission utilizes a regulatory advisory panel to assist in the development of such regulations and provides an opportunity for public comment on the regulations prior to adoption. The measure prohibits certain practices involving the use by third parties of contracts whereby a provider agrees to accept payment of less than the fee scheduled amount, including restricting the sale, lease, or other dissemination of information regarding the payment amounts or terms of a provider contract without the express written consent and prior notification of all parties to the provider contract and prohibiting an employer from shopping for the lowest discount for a specific provider among the provider contracts held in multi-

ple PPO networks. The regulatory advisory panel is directed to make recommendations to the Commission prior to July 1, 2017, on workers' compensation issues relating to (i) pharmaceutical costs not previously included in the fee schedules; (ii) durable medical equipment costs not previously included in the fee schedules; (iii) certain awards of attorney fees; (iv) peer review of medical costs; (v) prior authorization for medical services; and (vi) other issues that the Commission assigns to it. The existing peer review provisions are repealed. The measure has an emergency clause and is identical to SB 631.

*Patron - Farrell*

**SB631 Workers' compensation; fee schedules for medical services.** Directs the Workers' Compensation Commission (the Commission) to adopt regulations establishing fee schedules setting the maximum pecuniary liability of the employer for medical services provided to an injured person pursuant to the Virginia Workers' Compensation Act, in the absence of a contract under which the provider has agreed to accept a specified amount for the medical service. The regulations implementing the fee schedules shall become effective on January 1, 2018. The initial fee schedules will set amounts based on a reimbursement objective, which is the average of all amounts paid to providers in the same category of providers for the medical service in the same medical community. The Commission is required to retain a firm to assist it in establishing the initial fee schedules. The firm will recommend a methodology that will provide statistically valid estimates of the reimbursement objective for fee-scheduled medical services within the medical communities. Reimbursements for medical services provided to treat traumatic injuries and serious burns are excluded from the fee schedules and liability for their treatment costs will be based, absent a contract, on 80 percent of the provider's charges. However, the required reimbursement will be 100 percent of the provider's charges if the employer unsuccessfully contests the compensability of the claim. The Commission is required to review and revise the fee schedules in the year after they become effective and biennially thereafter. The liability of the employer for certain medical services not included in a fee schedule will be set by the Commission. A stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims when the total charges exceed a charge outlier threshold, which initially is 150 percent of the maximum fee for the service set forth in the applicable fee schedule. Providers are prohibited from using a different charge master or schedule of fees for any medical service provided for workers' compensation patients than the provider uses for health care services provided to patients who are not claimants. The measure requires the Commission, when determining whether the employee's attorney's work with regard to a contested claim resulted in an award of benefits that inure to the benefit of a third-party insurance carrier or health care provider, and in determining the reasonableness of the amount of any fee awarded to an attorney, to consider only the amount paid by the employer or insurance carrier to the third-party insurance carrier or health care provider for medical services rendered to the employee through a certain date and not to consider additional amounts previously paid to a health care provider or reimbursed to a third-party insurance carrier. The Commission shall have an independent, peer-reviewed study conducted every two years. The regulations setting fee schedules are exempt from the Administrative Process Act if the Commission utilizes a regulatory advisory panel to assist in the development of such regulations and provides an opportunity for public comment on the regulations prior to adoption. The measure prohibits certain practices involving the use by third parties of contracts whereby a provider agrees to accept payment of less than the fee-scheduled amount, including restricting the sale, lease, or other dissemination of information regarding the payment amounts or terms

of a provider contract without the express written consent and prior notification of all parties to the provider contract and prohibiting an employer from shopping for the lowest discount for a specific provider among the provider contracts held in multiple PPO networks. The regulatory advisory panel is directed to make recommendations to the Commission prior to July 1, 2017, on workers' compensation issues relating to (i) pharmaceutical costs not previously included in the fee schedules, (ii) durable medical equipment costs not previously included in the fee schedules, (iii) certain awards of attorney fees, (iv) peer review of medical costs, (v) prior authorization for medical services, and (vi) other issues that the Commission assigns to it. The existing peer review provisions are repealed. The measure has an emergency clause and is identical to HB 378.

*Patron - Wagner*

## Failed

**HB195 Workers' compensation; presumption of compensability for certain diseases.** Adds colorectal cancer and testicular cancer to, and removes rectal cancer from, the list of cancers that are presumed to be an occupational disease compensable under the Virginia Workers' Compensation Act if contracted by certain firefighters and certain other employees who have had contact with a toxic substance in the line of duty.

*Patron - Lingamfelter*

**HB207 Workers' compensation; recovering damages from other party.** Expands the type of persons against whom an injured employee may bring a cause of action to recover damages for injury, occupational disease, or death to include statutory coemployees. The measure provides that a determination of whether a person is a stranger to the employer's work shall be made without regard to whether the person was performing work that is part of the trade, business, or occupation of the injured employee's employer. The measure affirms that an "other party" shall not include the injured employee's employer or a fellow employee.

*Patron - Webert*

**HB639 Workers' compensation; disease presumptions; correctional officers.** Adds correctional officers to the list of public safety employees who are entitled to a presumption that hypertension and heart disease and certain infectious diseases are occupational diseases compensable under the Virginia Workers' Compensation Act.

*Patron - Bell, John J.*

**SB92 Workers' compensation; disease presumption; correctional officers.** Provides that correctional officers are entitled to a presumption that hypertension, heart disease, hepatitis, meningococcal meningitis, tuberculosis, MRSA, or HIV causing the correctional officer's death or resulting in his total or partial disability is an occupational disease suffered in the line of duty and is compensable under the Virginia Workers' Compensation Act.

*Patron - Marsden*

**SB239 Workers' compensation; recovering damages from other party.** Expands the type of persons against whom an injured employee may bring a cause of action to recover damages for injury, occupational disease, or death to include statutory coemployees. The measure provides that a determination of whether a person is a stranger to the employer's work shall be made without regard to whether the person was performing work that is part of the trade, business, or occupation of the injured employee's employer. The measure affirms that

an "other party" shall not include the injured employee's employer or a fellow employee.

*Patron - Petersen*

**[F]SB345 Workers' compensation; cost of automobile.** Authorizes the Workers' Compensation Commission, in awards entered for incapacity for work and upon determination by the treating physician and the Commission that it is medically necessary, to require an employer to provide up to \$42,000 for the purchase by the employee of a suitably equipped automobile. Such payment may be required if modifications to or equipment for the employee's automobile are not appropriate. The provision of funds for an automobile under this measure is separate from the \$42,000 aggregate cap on expenses for modifications to or equipment for the employee's automobile and for bedside lifts, adjustable beds, and modification of the employee's principal home consisting of ramps, handrails, doorway alterations, or any appliances prescribed by the treating physician.

*Patron - Lewis*

**[F]SB474 Workers' compensation; recovering damages from other party.** Expands the type of persons against whom an injured employee may bring a cause of action to recover damages for injury, occupational disease, or death to include statutory coemployees. The measure provides that a determination of whether a person is a stranger to the employer's work shall be made without regard to whether the person was performing work that is part of the trade, business, or occupation of the injured employee's employer. The measure affirms that an "other party" shall not include the injured employee's employer or a fellow employee.

*Patron - Wagner*

**[F]SB524 Workers' compensation; presumption of compensability for certain diseases.** Substitutes colorectal cancer, which is cancer that starts in the colon or rectum, for rectal cancer on the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when certain employees develop the cancer after contact with a known or suspected carcinogen that causes, or is suspected to cause, the specific type of cancer.

*Patron - McPike*

**[F]SB565 Workers' compensation; presumption of compensability for certain diseases.** Expands the current list of diseases that are presumed to be an occupational disease compensable under the Virginia Workers' Compensation Act if contracted by firefighters and certain officers to include any malignancy or chronic medical condition. The claimant is required to have had an exposure to a toxic substance encountered in the line of duty. The definition of "toxic substance" is expanded to include a substance that causes, or is suspected to cause, a chronic medical condition.

*Patron - DeSteph*

## Carried Over

**[C]HB490 Workers' compensation; cost of living supplements.** Provides that cost of living supplements shall be payable to claimants who are receiving disability benefits under the Virginia Workers' Compensation Act but are not receiving federal disability benefits.

*Patron - McClellan*

## Constitutional Amendments

### Passed

**[P]HB4 Constitutional amendment (voter referendum); right to work.** Provides for a referendum at the November 8, 2016, election to approve or reject an amendment to Article I of the Constitution of Virginia to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise. This bill is identical to SB 446.

*Patron - Bell, Richard P.*

**[P]HB865 Constitutional amendment (voter referendum); property tax exemption for surviving spouse of certain emergency services providers.** Provides for a referendum at the November 8, 2016, election to approve or reject an amendment to Article X of the Constitution of Virginia to allow the General Assembly to provide an option to the localities to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty. The amendment provides that the surviving spouse must occupy the real property as his or her principal place of residence and that the exemption ceases if the surviving spouse remarries.

*Patron - Hugo*

**[P]HJ2 Constitutional amendment (second resolution); right to work.** Provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

*Patron - Bell, Richard P.*

**[P]HJ123 Constitutional amendment (second resolution); real property tax exemption.** Provides that the General Assembly may provide for a local option to exempt from taxation the real property that is the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried.

*Patron - Hugo*

**[P]SB446 Constitutional amendment (voter referendum); right to work.** Provides for a referendum at the November 8, 2016, election to approve or reject an amendment to Article I of the Constitution of Virginia to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an

employment monopoly in any such enterprise. This bill is identical to HB 4.

*Patron - Obenshain*

**[F]SJ70 Constitutional amendment (second resolution); right to work.** Provides that any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

*Patron - Obenshain*

## Failed

**[F]HB3 Constitutional amendment (voter referendum); charter schools.** Provides for a referendum at the November 8, 2016, election to approve or reject an amendment to grant the Board of Education the authority to establish charter schools within the school divisions of the Commonwealth, subject to any criteria or conditions that the General Assembly may prescribe.

*Patron - Bell, Robert B.*

**[F]HJ1 Constitutional amendment (second resolution); charter schools.** Grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. This is the second resolution for Senate Joint Resolution 256 (2015).

*Patron - Bell, Robert B.*

**[F]HJ18 Constitutional amendment (first resolution); General Assembly; term limits.** Limits members of the Senate to three full terms (12 years) and members of the House of Delegates to six full terms (12 years). The limitations apply to service for both consecutive and nonconsecutive terms. Service for a partial term does not preclude serving the allowed number of full terms. In addition to any partial term, a person may serve 12 years in each house, or a total of 24 years in the General Assembly. The limits apply to terms of service beginning on and after the start of the 2019 Regular Session of the General Assembly.

*Patron - Rasoul*

**[F]HJ82 Constitutional amendment (first resolution); qualifications to vote; restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative for restoration of rights pursuant to law for nonviolent felons.

*Patron - Bagby*

**[F]HJ92 Constitutional amendment (first resolution); qualifications of voters; restoration of civil rights.** Provides that the General Assembly may provide by general law for the restoration of civil rights to persons who have been convicted of felonies and who have completed service of their sentence, including any period or condition of probation, parole, or suspension of sentence.

*Patron - Carr*

**[F]HJ93 Constitutional amendment (first resolution); Virginia Nonpartisan Redistricting Commission created.**

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

*Patron - Carr*

**[F]HJ96 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census.

Appointments to the 13-member Commission are to be made as follows: two each by the President pro tempore of the Senate, the Speaker of the House of Delegates, the minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote or, if they cannot agree on a selection, certify the two names receiving the most votes to the Supreme Court of Virginia, which will name the thirteenth member. The standards to govern redistricting plans include the current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

*Patron - Plum*

**[F]HJ117 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the seven-member Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census of the United States. The Commission is directed to certify district plans for the General Assembly within 30 days of receipt of the new census data or by June 1 of the year following the census, whichever is earlier, and for the House of Representatives within 60 days of receipt of the census data or by July 1 of the year following the census, whichever is earlier. The amendment requires districts be drawn using the shortest split methodology, which divides the geographic area of the Commonwealth into two halves of approximately equal population based on the official decennial census redistricting numbers, choosing the shortest possible dividing line to split the state. The division of halves shall continue until the required number of districts is achieved. The Commission is required to make adjustments to the resulting maps as may be necessary to achieve compliance with the requirements of the federal Voting Rights Act of 1965, as amended, and is authorized to make adjustments to the resulting maps so that district boundaries coincide with existing political boundaries and take into account geographic features.

*Patron - Bell, John J.*

**[F]HJ119 Constitutional amendment (first resolution); qualifications of voters; restoration of civil rights.** Provides that no person convicted of a felony shall be qualified to vote unless he has served his full sentence and been released back to civil society. The proposed amendment removes the current

constitutional language that provides for restoration of civil rights by the Governor or other appropriate authority.

*Patron - Torian*

**[F]HJ131 Constitutional amendment (first resolution); right to vote.** Provides that there is a right to vote and that no law shall be enacted or enforced that burdens or denies any voter of his right to vote. The amendment also requires the Commonwealth and its political subdivisions to provide all resources necessary to assist qualified voters in the exercise of their right to vote.

*Patron - Keam*

**[F]HJ134 Constitutional amendment (first resolution); qualifications to vote; restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative for restoration of rights pursuant to law for nonviolent felons.

*Patron - Lopez*

**[F]HJ135 Constitutional amendment (first resolution); Governor's term of office.** Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

*Patron - Levine*

**[F]HJ205 Constitutional amendment (first resolution); congressional and legislative districts; Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission for the purpose of drawing and submitting to the General Assembly plans for the congressional and legislative districts. The General Assembly may not amend such plans and if the General Assembly does not pass a plan drawn by the Commission, the districts are to be drawn by the courts. The Executive Director of the Division of Legislative Services is tasked with selecting the members of the Commission, who shall be full-time employees of the Division of Legislative Services or contractual employees. Members shall include a demographer, a cartographer, an applied mathematician, a computer scientist, and a lawyer or legal expert specializing in election and redistricting law.

*Patron - Sickles*

**[F]SB588 Constitutional amendment (voter referendum); charter schools.** Provides for a referendum at the November 8, 2016, election to approve or reject an amendment to grant the Board of Education the authority to establish charter schools within the school divisions of the Commonwealth, subject to any criteria or conditions that the General Assembly may prescribe.

*Patron - Suetterlein*

**[F]SJ6 Constitutional amendment (second resolution); charter schools.** Grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth.

*Patron - Obenshain*

**[F]SJ93 Constitutional amendment (voter referendum); charter schools.** Provides by resolution for a referendum at the November 8, 2016, election to approve or reject an

amendment to grant the Board of Education the authority to establish charter schools within the school divisions of the Commonwealth, subject to any criteria or conditions that the General Assembly may prescribe.

*Patron - Suetterlein*

## Carried Over

**[C]SJ2 Constitutional amendment (first resolution); marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015).

*Patron - Ebbin*

**[C]SJ4 Constitutional amendment (first resolution); Governor's term of office.** Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

*Patron - Garrett*

**[C]SJ7 Constitutional amendment (first resolution); real property tax exemption.** Provides that the General Assembly may provide a local option for the real property tax exemption for the primary residence of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who has been determined to have a 100 percent service-connected, permanent, and total disability or the surviving spouse of a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried.

*Patron - Alexander*

**[C]SJ9 Constitutional amendment (first resolution); marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015).

*Patron - Locke*

**CSJ12 Constitutional amendment (first resolution); qualifications to vote; restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of civil rights for persons convicted of nonviolent felonies who have completed service of their sentences subject to the conditions, requirements, and definitions set forth in that law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds an alternative for restoration of rights pursuant to law for nonviolent felons.

*Patron - Dance*

**CSJ32 Constitutional amendment (first resolution); marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015).

*Patron - McEachin*

**CSJ34 Constitutional amendment (first resolution); Governor's term of office.** Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

*Patron - Miller*

**CSJ47 Constitutional amendment (first resolution); exemption from taxation of certain motor vehicles.** Exempts privately owned motor vehicles used for nonbusiness purposes from property taxes.

*Patron - Petersen*

**CSJ50 Constitutional amendment (first resolution); Governor's term of office.** Permits a Governor elected in 2021 and thereafter to succeed himself in office. The amendment allows two four-year terms (either in succession or not in succession) but prohibits election to a third term. Service for more than two years of a partial term counts as service for one term.

*Patron - Ebbin*

**CSJ60 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made in the census year as follows: two each by the President pro tempore of the Senate, the Speaker of the House of Delegates, the minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote or, if they cannot agree on a selection, they certify the two names receiving the most votes to the Supreme Court of Virginia, which will name the thirteenth member. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by April 1 of the

year following the census, whichever is later, and for the House of Representatives within three months of receipt of the census data or by June 1 of the year following the census, whichever is later. The standards to govern redistricting plans include the current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

*Patron - Deeds*

**CSJ68 Constitutional amendment (first resolution); Virginia Redistricting Commission; partisan balance of districts.** Establishes the Virginia Redistricting Commission, an eight-member commission tasked with establishing the districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly and apportioning the members of the House of Representatives and the members of the Senate and the House of Delegates among the districts, respectively. The districts are to be drawn to reflect the voting patterns of the Commonwealth with, to the extent practicable, half of the districts more favorable than statewide totals to each of the two political parties most often receiving the most votes cast in statewide elections. The bill also provides that redistricting is to happen in 2021 and every 10 years thereafter and at no other time, unless ordered by a court.

*Patron - Barker*

**CSJ79 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the seven-member Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. The Commission is directed to certify district plans for the General Assembly within 30 days of receipt of the new census data or by June 1 of the year following the census, whichever is later, and for the House of Representatives within 60 days of receipt of the census data or by July 1 of the year following the census, whichever is later. The amendment also establishes the standards to govern redistricting plans, which include the current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

*Patron - Sturtevant*

**CSJ113 Constitutional amendment (first resolution); General Assembly; term limits.** Limits members of the Senate to three full terms (12 years) and members of the House of Delegates to six full terms (12 years). The limitations apply to service for both consecutive and nonconsecutive terms. Service for a partial term does not preclude serving the allowed number of full terms. In addition to any partial term, a person may serve 12 years in each house, or a total of 24 years in the General Assembly. The limits apply to terms of service beginning on and after the start of the 2020 Regular Session of the General Assembly.

*Patron - Chase*

**CSJ120 Constitutional amendment (first resolution); qualifications of Governor; residency requirement.** Increases from five to eight the number of years a person must have been a resident of and a registered voter in the Commonwealth in order to be eligible to the office of Governor.

*Patron - Chase*

## Other Resolutions

### Passed

**[P]HJ31 Chesapeake Bay Awareness Week.** Designates the second week in June, in 2016 and in each succeeding year, as Chesapeake Bay Awareness Week in Virginia.  
*Patron - Lingamfelter*

**[P]HJ88 Drinking Water and Wastewater Professionals Appreciation Day.** Designates June 30, in 2016 and in each succeeding year, as Drinking Water and Wastewater Professionals Appreciation Day in Virginia.  
*Patron - Anderson*

**[P]HJ169 Designating Virginia Barbecue Season.** Designates May through October, in 2016 and in each succeeding year, as Virginia Barbecue Season.  
*Patron - Howell*

**[P]HJ177 Resolution; condemnation of the anti-Israel Boycott, Divestment, and Sanctions movement.** Expresses the sense of the General Assembly in the condemnation of the anti-Israel Boycott, Divestment, and Sanctions movement.  
*Patron - Miyares*

**[P]HJ181 Norfolk & Western Railway Class J 611.** Designates the Norfolk & Western Railway Class J 611 as the official steam locomotive of Virginia.  
*Patron - Head*

**[P]HJ197 Chagas Disease Awareness Day.** Designates April 16, in 2016 and in each succeeding year, as Chagas Disease Awareness Day in Virginia.  
*Patron - Lopez*

**[P]HJ245 Metastatic Breast Cancer Awareness Month.** Designates November, in 2016 and in each succeeding year, as Metastatic Breast Cancer Awareness Month in Virginia.  
*Patron - McQuinn*

**[P]HJ336 Year of Shakespeare.** Designates 2016 as the Year of Shakespeare in Virginia.  
*Patron - Filler-Corn*

**[P]HJ347 Indigenous Peoples Day.** Designates the fourth Wednesday in November, in 2016 and in each succeeding year, as Indigenous Peoples Day in Virginia.  
*Patron - Krizek*

**[P]HJ425 Post-Traumatic Stress Injury Awareness Day.** Designates June 27, in 2016 and in each succeeding year, as Post-Traumatic Stress Injury Awareness Day in Virginia.  
*Patron - Dudenhefer*

**[P]SJ27 International Assistance Dog Week.** Designates the first full week in August, in 2016 and in each succeeding year, as International Assistance Dog Week.  
*Patron - Reeves*

**[P]SJ35 Advance Care Planning Month.** Designates April, in 2016 and in each succeeding year, as Advance Care Planning Month in Virginia.  
*Patron - Miller*

**[P]SJ48 Blood Cancer Awareness Month.** Designates September, in 2016 and in each succeeding year, as Blood Cancer Awareness Month in Virginia.  
*Patron - Black*

**[P]SJ49 Lymphoma Awareness Day.** Designates September 15, in 2016 and in each succeeding year, as Lymphoma Awareness Day in Virginia.  
*Patron - Black*

**[P]SJ61 Virginia Constitution Day.** Designates June 29, in 2016 and in each succeeding year, as Virginia Constitution Day in Virginia.  
*Patron - Ruff*

**[P]SJ101 Purple Heart State.** Designating Virginia as a Purple Heart State.  
*Patron - Norment*

**[P]SJ102 Purple Heart Day.** Designates August 7, in 2016 and in each succeeding year, as Purple Heart Day in Virginia.  
*Patron - Norment*

**[P]SJ129 Public Transportation Safety Day.** Designates April 29, in 2016 and in each succeeding year, as Public Transportation Safety Day in Virginia.  
*Patron - Alexander*

### Failed

**[F]HJ9 Repeal of personal income taxes and enactment of national retail sales tax.** Memorializes the Congress of the United States to repeal all personal income and other taxes and enact a national retail sales tax as specified in the Fair Tax Act of 2013, House Resolution 25 of the 113th Congress, 1st Session.  
*Patron - Cole*

**[F]HJ29 Beginning of life.** Recognizes and finds that the life of the human person commences at conception, also known as fertilization, and that the United States Supreme Court 1973 *Roe* and *Doe* decisions striking down state laws criminalizing abortion, which protected preborn children, are based on false science.  
*Patron - Marshall, R.G.*

**[F]HJ63 Speaker of the House; legal counsel.** Authorizes the Speaker of the House to employ legal counsel to represent the General Assembly and institute legal action against any federal authority that violates the sovereign rights of the Commonwealth reserved and guaranteed under the United States Constitution.  
*Patron - Marshall, R.G.*

**[F]HJ76 Recognition of the Wolf Creek Cherokee Tribe of Virginia.** Recognizes the existence of the Wolf Creek Cherokee Tribe of Virginia within the Commonwealth.  
*Patron - Ingram*

**[F]HJ86 Resolution; recognizing the need for educators in the Commonwealth to cultivate a Virginia high school graduate who is skilled in critical thinking, creative thinking, collaboration, communication, and citizenship.** Recognizes the need for educators in the Commonwealth to cultivate a Virginia high school graduate who is skilled in critical thinking, creative thinking, collaboration, communication, and citizenship by (i) protecting vital instructional time for effective



civic learning and engagement; (ii) engaging students in civil discourse about contemporary and controversial issues; (iii) appreciating how globalization and technological advancements affect the United States as a constitutional republic and what it means to be a productive member of society; (iv) recognizing the value of effective student governments that serve as laboratories in which students can learn and practice essential citizenship skills; (v) providing professional development for pre-service and in-service teachers, as envisioned by the Standards of Learning Innovation Committee, on the 2015 History and Social Science Standards of Learning and assessments; and (vi) emphasizing the teaching and learning of topics relating to local, state, national, and global issues within the context of the constitutional form of self-government in the United States.

*Patron - Anderson*

**[F]HJ136 United States Constitution; Equal Rights Amendment.** Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.

*Patron - Sickles*

**[F]HJ137 Opposing federal requirement of a law mandating a six-month driver's license suspension upon conviction of a marijuana offense.** Expresses the opposition of the General Assembly to the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver's license upon conviction of an offense involving the possession of marijuana. Absent a resolution from the General Assembly expressing such opposition, the failure to enforce such a law results in the withholding of certain federal highway funding by the U.S. Secretary of Transportation from the Commonwealth. Currently, such a law is codified in §§ 18.2-259.1 and 46.2-390.1.

*Patron - Rasoul*

**[F]HJ171 Cross-jurisdictional transportation for persons with disabilities.** Urges localities to make a collaborative effort to provide affordable cross-jurisdictional public transportation to persons with disabilities by modifying and expanding current transportation routes and services. The resolution urges localities to enter into memoranda of understanding to accomplish this goal and to work with all relevant agencies, organizations, and other stakeholders. The resolution is a recommendation of the Disability Commission.

*Patron - Pogge*

**[F]HR19 Beginning of life.** Recognizes and finds that the life of the human person commences at conception, also known as fertilization, and that the United States Supreme Court 1973 *Roe* and *Doe* decisions striking down state laws criminalizing abortion, which protected preborn children, are based on false science.

*Patron - Marshall, R.G.*

**[F]SJ1 United States Constitution; Equal Rights Amendment.** Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. This resolution incorporates SJ 11.

*Patron - Surovell*

**[F]SJ11 United States Constitution; Equal Rights Amendment.** Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. This resolution was incorporated into SJ 1.

*Patron - Wexton*

**[F]SJ37 Resolution; encouraging employers in the Commonwealth to pay their employees a living wage.** Encourages employers in the Commonwealth to pay their employees a living wage. The resolution notes that the Massachusetts Institute of Technology has set up an online calculator that allows the living wage to be determined for various localities and metropolitan statistical areas in the Commonwealth.

*Patron - Lucas*

**[F]SJ40 Recognition of the Wolf Creek Cherokee Tribe of Virginia.** Recognizes the existence of the Wolf Creek Cherokee Tribe of Virginia within the Commonwealth.

*Patron - McEachin*

**[F]SJ42 United States Constitution; amendment.** Makes application to the United States Congress to call a constitutional convention for the purpose of proposing an amendment to the United States Constitution that pertains to the subject of balancing the federal budget.

*Patron - Hanger*

**[F]SJ94 Opposing federal requirement of a law mandating a six-month driver's license suspension upon conviction of a marijuana offense.** Expresses the opposition of the General Assembly to the enactment or enforcement of a law requiring a six-month revocation or suspension of a person's driver's license upon conviction of an offense involving the possession of marijuana. Absent a resolution from the General Assembly expressing such opposition, the failure to enforce such a law results in the withholding of certain federal highway funding by the U.S. Secretary of Transportation from the Commonwealth. Currently, such a law is codified in §§ 18.2-259.1 and 46.2-390.1.

*Patron - Garrett*

**[F]SJ107 Cross-jurisdictional transportation for persons with disabilities.** Urges localities to make a collaborative effort to provide affordable cross-jurisdictional public transportation to persons with disabilities by modifying and expanding current transportation routes and services. The resolution urges localities to enter into memoranda of understanding to accomplish this goal and to work with all relevant agencies, organizations, and other stakeholders. The resolution is a recommendation of the Disability Commission.

*Patron - Marsden*

## Carried Over

**[C]HJ3 U.S. Constitution; application for a convention of the states.** Makes application to Congress to call a convention of the states to propose amendments to the United States Constitution that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

*Patron - Lingamfelter*

**[C]HJ90 United States Constitution; amendment.** Makes application to the United States Congress to call a constitutional convention for the purpose of proposing an amendment to the United States Constitution that pertains to the subject of balancing the federal budget.

*Patron - LeMunyon*

**[C]HR141 Christian Heritage.** Recognizes the influence of Christian heritage in Virginia.

*Patron - Miyares*

## Miscellaneous (Including Budget and Bonds)

### Passed

**[P]HB29 Budget Bill.** Amending Chapter 665 of the 2015 Acts of Assembly.

*Patron - Jones*

**[P]HB30 Budget Bill.** Appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia, and to provide a portion of revenues for the two years ending respectively on the thirtieth day of June, 2017, and the thirtieth day of June, 2018.

*Patron - Jones*

**[P]HB256 Relief; Robert Scott.** Provides relief in the amount of \$26,367.50 to Robert Scott from the Motor Vehicle Transaction Recovery Fund (the Fund) because Mr. Scott did not meet the statutorily required time frame to submit his claim to the Fund. Mr. Scott would have been eligible for \$20,000 per transaction minus the \$13,632.50 received from a bond payout but was unable to file a claim until he received the bond payout in February 2012. Mr. Scott has an unpaid final judgment from Towne Automotive Brokers and Francis Masika, awarded in 2010, and would have to reimburse the Fund for any amounts received as a result of the judgment subsequent to payment from the Fund. The bill contains an emergency clause.

*Patron - McQuinn*

**[P]HB477 Bonds; veterans care centers.** Authorizes the Virginia Public Building Authority to issue bonds in the amount of \$29.3 million plus financing costs to construct veterans care centers in Northern Virginia and Hampton Roads.

*Patron - Cox*

**[P]HB700 Claims; Michael Kenneth McAlister.** Provides relief in the amount of \$1,268,694 to Michael Kenneth McAlister, who was incarcerated from 1986 until 2015 after being convicted of crimes of attempted rape and abduction with intent to defile. Another suspect confessed to the crimes in April 2015, and in May 2015 Governor McAuliffe granted Mr. McAlister's request for absolute pardon. Mr. McAlister's relief would be paid as follows: (i) an initial lump sum of \$253,740 to be paid within the 60 business days immediately following the execution of a release by Mr. McAlister from any present or future claims he may have and (ii) the sum of \$1,014,954 to purchase an annuity before October 1, 2016, for the primary benefit of Mr. McAlister with the terms structured in his best interests.

*Patron - Sullivan*

**[P]HB1063 Bonds for institutions of higher education.** Authorizes issuance of bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$40,987,000 plus financing costs for revenue-producing capital projects at institutions of higher education. The bill contains an emergency clause and is identical to SB 61.

*Patron - Jones*

**[P]HB1090 Department of Health; restrictions on expenditure of funds related to abortions and family planning services.** Prohibits the Department of Health from spending any funds on an abortion that is not qualified for matching funds under the Medicaid program or providing any grants or other funds to any entity other than a licensed hospital that performs such abortions. The bill also prioritizes the types of entities that the Department of Health contract with or provide grants to for family planning services.

*Patron - Cline*

**[P]HB1344 Bonds; certain capital projects.** Authorizes the Virginia Public Building Authority and the Virginia College Building Authority to issue bonds in a total aggregate amount not to exceed \$2,067,651,677 plus costs to fund certain capital projects. This bill is identical to SB 731.

*Patron - Jones*

**[P]HB1376 Claims; Paul R. DesRoches II.** Provides relief in the amount of \$20,000 to Paul R. DesRoches II from the Virginia Real Estate Transaction Recovery Fund. A real estate firm fraudulently collected rent on behalf of Mr. DesRoches for several months without submitting the funds to him. Mr. DesRoches obtained a judgment against the firm and in 2012 subsequently filed a claim under the Virginia Real Estate Transaction Recovery Act (the Act). At that time, in order to recover under the Act, the judgment had to be based on improper or dishonest conduct. While the factual basis for the judgment detailed conduct included under the definition of "improper or dishonest conduct" contained in the Act, the claim was denied by the Real Estate Board in March 2013 because the words "improper or dishonest conduct" did not appear on the face of the judgment. In 2015, the General Assembly amended the Act to provide a means for the Real Estate Board to determine what constitutes improper or dishonest conduct based on the facts of the case if the judgment order is otherwise silent.

*Patron - LeMunyon*

**[P]SB61 Bonds for institutions of higher education.** Authorizes issuance of bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$40,987,000 plus financing costs for revenue-producing capital projects at institutions of higher education. The bill contains an emergency clause and is identical to HB 1063.

*Patron - Hanger*

**[P]SB731 Bond; certain capital projects.** Authorizes the Virginia Public Building Authority and the Virginia College Building Authority to issue bonds in a total aggregate amount not to exceed \$2,067,651,677 plus costs to fund certain capital projects. This bill is identical to HB 1344.

*Patron - Hanger*

### Failed

**[F]HB772 Property conveyance; Shenandoah County Farm.** Authorizes the conveyance of the Shenandoah County Farm near Maurertown to the County of Shenandoah.

*Patron - Gilbert*

**[F]HB1272 Claims; Frank and Amy Taylor.** Provides \$1,183 in relief to Frank and Amy Taylor from general funds allocated to the Department of Health to reimburse them for an emergency pump-out and repair of their sewage disposal system. The system was inspected in 1995 by the Spotsylvania County Health Department but had to be repaired in 2015 because the intake piping and outtake piping were reversed when the system was initially installed.

*Patron - Orrock*

**[F]SB29 Budget Bill.** Amending Chapter 665 of the 2015 Acts of Assembly.

*Patron - Norment*

**[F]SB30 Budget Bill.** Appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia, and to provide a portion of revenues for the two years ending respectively on the thirtieth day of June, 2017, and the thirtieth day of June, 2018.

*Patron - Norment*

**[F]SB649 Claims; Davey Reedy.** Provides relief in the amount of \$961,489 to Davey Reedy, who was incarcerated from 1988 until 2009 after being convicted of two counts of first degree murder and arson in the daytime. On December 21, 2015, Governor McAuliffe granted an absolute pardon to Mr. Reedy, finding that Mr. Reedy's convictions were not supported by the forensic evidence relied upon at trial. Mr. Reedy's relief would be paid as follows: (i) an initial lump sum of \$192,298 to be paid within 60 days immediately following the execution of a release by Mr. Reedy from any present or future claims he may have and (ii) the sum of \$769,191 to purchase an annuity before October 1, 2016, for the primary benefit of Mr. Reedy with the terms structured in his best interests. In addition, the bill entitles Mr. Reedy to receive up to \$10,000 for tuition for career and technical training within the Virginia Community College System.

*Patron - Surovell*

**[F]SB754 Property conveyance; Department of General Services; Clarke County.** Authorizes the Department of General Services, with the approval of the Governor, to convey certain property to Clarke County.

*Patron - Vogel*

## Carried Over

**[C]HB1067 Bonds; tolls on I-66.** Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$1.5 billion plus financing costs to finance the costs of acquiring, constructing, and equipping dynamically tolled lanes on a portion of Interstate 66. Issuance of the bonds is contingent on the Transportation Public-Private Partnership Advisory Committee, prior to January 1, 2018, finding that the issuance is necessary due to the inability of private parties to meet the term sheet published by the Department of Transportation in September 2015 pursuant to the procurement initiated under the Public-Private Transportation Act of 1995.

*Patron - Jones*

**[C]HB1136 Capital outlay plan.** Creates a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources and to repeal Chapters 499 and 500 of the Acts of Assembly of 2015.

*Patron - Jones*

**[C]SB60 Bonds; tolls on I-66.** Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$1.5 billion plus financing costs to finance the costs of acquiring, constructing, and equipping dynamically tolled lanes on a portion of Interstate 66. Issuance of the bonds is contingent on (i) the Commissioner of Highways finding that the private parties are unable to deliver the I-66 project outside the Beltway in a way that meets the term sheet, (ii) the Transportation Public-Private Partnership Advisory Committee concurs with the Commissioner's finding, and (iii) that the Secretary of Finance further concurs and finds that the issuance of bonds is in the public interest. The bill is contingently effective on the requirements for changing the HOV-2 designation on I-66 being met and the Secretary certifying that such requirements have been met. No bonds shall be issued prior to February 20, 2017.

*Patron - Hanger*

**[C]SB232 Capital outlay plan.** Revises the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Patron - Hanger*

## Charters

### Passed

**[P]HB14 Charter; Town of Columbia.** Repeals the charter for the Town of Columbia in Fluvanna County.

*Patron - Ware*

**[P]HB24 Charter; Town of South Hill.** Updates the town's boundary description and replaces a reference to the town treasurer with "finance director." The bill also provides that the town manager, not the mayor, shall have power over the police forces. The bill contains technical amendments. This bill is identical to SB 653.

*Patron - Wright*

**[P]HB106 Charter; Town of Herndon.** Amends the town's boundary description to reflect a recent boundary line adjustment. The bill removes the authority of the mayor to take command of the police during emergencies and deputize assistant policemen to maintain order and enforce laws during such emergency.

*Patron - Boysko*

**[P]HB183 Charter; City of Hopewell; passage of emergency measures; Hopewell Water Renewal Commission.** Raises from four to five the number of city council member votes required to pass an emergency measure and changes the name of the Hopewell Regional Wastewater Treatment Facility Commission to the Hopewell Water Renewal Commission. The bill also raises from three to four the number of council member votes required for final passage of an ordinance and raises from four to five the number of council member votes required to dispense with the reading of an ordinance. This bill is identical to SB 103.

*Patron - Aird*

**[P]HB649 Charter; Town of Damascus.** Shifts the town's municipal elections from May to November.

*Patron - O'Quinn*

**[P]HB1114 Charter; City of Colonial Heights.** Clarifies that the city's director of finance has the responsibility of col-

lecting all tax payments, fees, assessments, and charges imposed by the city. The city treasurer shall continue to collect all tax returns, tax payments, fees, assessments, and charges imposed by or payable to the Commonwealth. The bill shifts certain duties related to the sale of tax-delinquent property from the city treasurer to the director of finance. The bill provides that (i) the city council may authorize the treasurer to assume duties of the director of finance and (ii) its provisions shall not result in a change in the amount of the treasurer's salary set by the State Compensation Board that is payable by the city for the fiscal year ending June 30, 2017, or the fiscal year ending June 30, 2018.

*Patron - Cox*

**[P]HB1214 Charter; Town of Tazewell.** Provides for an interim appointment and special election to fill a vacancy in the office of mayor or a member of the town council. The bill lengthens from one month to 12 months the time period during which a planning commission member is allowed to miss no more than four meetings and reduces from five to four the number of voting members of the planning commission who shall constitute a quorum. This bill is identical to SB 674.

*Patron - Morefield*

**[P]SB103 Charter; City of Hopewell; passage of emergency measures; Hopewell Water Renewal Commission.** Raises from four to five the number of city council member votes required to pass an emergency measure and changes the name of the Hopewell Regional Wastewater Treatment Facility Commission to the Hopewell Water Renewal Commission. The bill also raises from three to four the number of council member votes required for final passage of an ordinance and raises from four to five the number of council member votes required to dispense with the reading of an ordinance. This bill is identical to HB 183.

*Patron - Dance*

**[P]SB122 Charter; Town of Damascus.** Shifts the town's municipal elections from May to November. The bill contains an emergency clause.

*Patron - Carrico*

**[P]SB280 Charter; Town of Herndon.** Amends the town's boundary description to reflect a recent boundary line adjustment.

*Patron - Wexton*

**[P]SB281 Charter; Town of Herndon.** Removes the authority of the mayor to take command of the police during emergencies and deputize assistant policemen to maintain order and enforce laws during such emergency.

*Patron - Wexton*

**[P]SB451 Charter; Town of Dayton.** Removes an outdated reference to a council composed of seven members. The town's charter was amended in 2011 to reduce the size of the council from seven to six members. The bill contains an emergency clause.

*Patron - Obenshain*

**[P]SB653 Charter; Town of South Hill.** Updates the town's boundary description and replaces a reference to the town treasurer with "finance director." The bill also provides that the town manager, not the mayor, shall have power over the police forces. The bill contains technical amendments. This bill is identical to HB 24.

*Patron - Ruff*

**[P]SB674 Charter; Town of Tazewell.** Provides for an interim appointment and special election to fill a vacancy in the

office of mayor or a member of the town council. The bill lengthens from one month to 12 months the time period during which a planning commission member is allowed to miss no more than four meetings and reduces from five to four the number of voting members of the planning commission who shall constitute a quorum. This bill is identical to HB 1214.

*Patron - Chafin*

## Study Resolutions

### Passed

**[P]HJ7 Study; JLARC to review the Virginia Economic Development Partnership Authority; report.** Directs the Joint Legislative Audit and Review Commission to review the Virginia Economic Development Partnership Authority. This is a two-year study.

*Patron - Byron*

**[P]HJ45 Study; continuing the study of mandating health insurance coverage for abuse deterrent formulations for opioid medications; report.** Continues the study by the Health Insurance Reform Commission of mandating health insurance coverage for abuse deterrent formulations for opioid medications.

*Patron - Byron*

**[P]HJ69 Study; driver's license suspension for unpaid court fines and costs; report.** Establishes a joint subcommittee to study the use of driver's license suspension as a collection method for unpaid court fines and costs and make recommendations for improvements to the current law.

*Patron - Loupassi*

**[P]HJ84 Study; Joint Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding continued; report.** Continues the study of recurrent flooding for two additional years and renames the Joint Subcommittee as the joint subcommittee on coastal flooding to more accurately reflect its mission. This resolution is identical to SJ 58.

*Patron - Stolle*

**[P]HJ97 Study; Joint Commission on Technology and Science; Commonwealth's aerospace industry; report.** Directs the Joint Commission on Technology and Science (JCOTS) to (i) identify strategies to grow Denbigh High School's Aviation Academy and encourage its transformation into a statewide program, to be named the Virginia Aviation Academy; (ii) research and identify federally funded research and development activities in the Commonwealth and recommend strategies to create additional opportunities for such activities; (iii) collect information regarding practices and efforts used successfully in other states to grow their aerospace industries; (iv) analyze the potential advantages and disadvantages of eliminating taxation on aerospace and aviation parts and labor; (v) gather information regarding opportunities in the Commonwealth related to maintenance and rehabilitation of aerospace equipment; (vi) explore any other topics related to growing the Commonwealth's aerospace industry; (vii) request the Virginia Economic Development Partnership to develop strategies to grow the Commonwealth's aerospace industry and (viii) consult with representatives of all relevant stakeholders, including but not limited to public and private institutions of higher education, the Virginia Academy of Science, Engineer-

ing, and Medicine, the NASA Langley Research Center, the NASA Wallops Flight Facility, and the Mid-Atlantic Regional Spaceport. The final report of JCOTS, due no later than the first day of the 2017 Session of the General Assembly, shall be entitled "A Blueprint for Growth of the Virginia Aviation and Aerospace Industry." This resolution is identical to SJ 97.

*Patron - Yancey*

**[P]HJ112 Study; joint committee; the future of public elementary and secondary education in the Commonwealth; report.** Establishes a two-year joint committee consisting of seven members of the House Committee on Education and six members of the Senate to study the future of public elementary and secondary education in the Commonwealth. This resolution is identical to SJ 85.

*Patron - Landes*

**[P]HJ120 Study; JLARC to study biosolids and industrial residuals; report.** Directs the Joint Legislative Audit and Review Commission to analyze scientific literature on the health effects of biosolids (treated sewage sludge) and industrial residuals (wastes resulting from industrial processes), evaluate the feasibility of requiring municipal utilities that are currently permitted to generate "Class B" material to upgrade their facilities to generate "Class A" material, and undertake other analyses. This is a two-year study.

*Patron - Landes*

**[P]HJ157 Study; JLARC; Virginia Community College System; report.** Directs the Joint Legislative Audit and Review Commission to review the Virginia Community College System. This is a two-year study.

*Patron - Jones*

**[P]HJ160 Study; licensing of dogs and cats; report.** Requesting the Virginia Department of Health to study Virginia's procedures for licensing dogs and cats.

*Patron - Orrock*

**[P]SJ58 Study; Joint Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding continued; report.** Continues the study of recurrent flooding for two additional years and renames the Joint Subcommittee as the joint subcommittee on coastal flooding to more accurately reflect its mission. This resolution is identical to HJ 84.

*Patron - Locke*

**[P]SJ63 Study; Department of Social Services; child day programs exempt from licensure; report.** Requests the Department of Social Services to (i) review all categories of child day programs exempt from licensure under § 63.2-1715, (ii) formulate recommendations regarding whether such programs should remain exempt from licensure or whether any modifications are necessary to protect the health and well-being of the children receiving care in such programs, and (iii) consult with all relevant stakeholders.

*Patron - Hanger*

**[P]SJ80 Study; Virginia Housing Commission to study mandatory disclosure of relevant information to purchasers of historic properties without homeowner associations; report.** Directs the Virginia Housing Commission to study mandatory disclosure of relevant information by sellers of historic properties without homeowner associations to prospective purchasers of such properties.

*Patron - Locke*

**[P]SJ85 Study; joint committee; the future of public elementary and secondary education in the Commonwealth; report.** Establishes a two-year joint committee consisting of seven members of the House Committee on Education and six members of the Senate to study the future of public elementary and secondary education in the Commonwealth. This resolution is identical to HJ 112.

*Patron - Deeds*

**[P]SJ88 Study; JLARC; early childhood development programs; report.** Directs the Joint Legislative Audit and Review Commission to study specific early childhood development programs, prenatal to age five, in the Commonwealth in order for the General Assembly to determine the best strategy for future early childhood development investments. The Commission shall report to the 2018 Session of the General Assembly.

*Patron - Norment*

**[P]SJ97 Study; Joint Commission on Technology and Science; Commonwealth's aerospace industry; report.** Directs the Joint Commission on Technology and Science (JCOTS) to (i) identify strategies to grow Denbigh High School's Aviation Academy and encourage its transformation into a statewide program, to be named the Virginia Aviation Academy; (ii) research and identify federally funded research and development activities in the Commonwealth and recommend strategies to create additional opportunities for such activities; (iii) collect information regarding practices and efforts used successfully in other states to grow their aerospace industries; (iv) analyze the potential advantages and disadvantages of eliminating taxation on aerospace and aviation parts and labor; (v) gather information regarding opportunities in the Commonwealth related to maintenance and rehabilitation of aerospace equipment; (vi) explore any other topics related to growing the Commonwealth's aerospace industry; (vii) request the Virginia Economic Development Partnership to develop strategies to grow the Commonwealth's aerospace industry; and (viii) consult with representatives of all relevant stakeholders, including but not limited to public and private institutions of higher education, the Virginia Academy of Science, Engineering, and Medicine, the NASA Langley Research Center, the NASA Wallops Flight Facility, and the Mid-Atlantic Regional Spaceport. The final report of JCOTS, due no later than the first day of the 2017 Session of the General Assembly, shall be entitled "A Blueprint for Growth of the Virginia Aviation and Aerospace Industry." This resolution is identical to HJ 97.

*Patron - Newman*

## Failed

**[F]HB122 Commission on the Preservation of the History of Formerly Enslaved African Americans in Virginia; report.** Establishes an 11-member legislative commission to identify the history of formerly enslaved African Americans in Virginia and determine ways to preserve the history for educational and cultural purposes. Among other things, the Commission shall promote the identification, preservation, and conservation of historic sites significant to the history, presence, and contributions of formerly enslaved African Americans in Virginia; identify the contributions of African Americans to Virginia, the nation, and the world and recommend options to begin resolving lingering societal problems whose origins began with the institution of slavery; identify historical sites significant to the history of formerly enslaved African Americans in Virginia; and recommend ways to increase tourism and revenues associated with such sites. The

Commission shall submit its findings and recommendations to the Governor and the 2019 Session of the General Assembly. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - McQuinn*

**FHJ52 Study; State Route 28 from Interstate 66 to State Route 7 in Loudoun County; inclusion in the Interstate Highway System; report.** Requests the Department of Transportation to study the feasibility of including State Route 28 from Interstate 66 to State Route 7 in Loudoun County in the Interstate Highway System.

*Patron - Marshall, R.G.*

**FHJ55 Study; Department of State Police; bicycle safety; report.** Requests the Department of State Police to study existing laws and policies governing bicycling on state highways.

*Patron - Lingamfelter*

**FHJ56 Study; short-term and long-term effects of biosolids and industrial wastes; report.** Requests the Secretaries of Natural Resources and Health and Human Resources to convene a panel of experts to study the short-term and long-term effects of the storage and land application of industrial wastes and treated sewage sludge (biosolids) on public health, residential wells, and surface and ground water.

*Patron - Ware*

**FHJ58 Study; Department of Transportation; traffic signal retiming; report.** Requests the Department of Transportation to study traffic signal retiming and current implementation of traffic signal timing in the Commonwealth.

*Patron - Marshall, D.W.*

**FHJ61 Study; Joint Commission on Health Care; legal and regulatory requirements regarding life-prolonging care; report.** Directs the Joint Commission on Health Care to study current legal and regulatory requirements regarding the medical appropriateness of life-prolonging care and options to clarify due diligence and the appropriate course of action when no physician can be found to carry out a patient's requests.

*Patron - Stolle*

**FHJ65 Study; Joint Commission on Health Care; expanding mission of the Virginia Foundation for Healthy Youth; report.** Directs the Joint Commission on Health Care to study the benefits and costs of expanding the mission of the Virginia Foundation for Healthy Youth to include additional issues affecting youth health, including issues related to behavioral health, injury prevention, hunger, and diabetes.

*Patron - O'Bannon*

**FHJ66 Study; JLARC to study the cost of implementation of the Refugee Resettlement Program to the Commonwealth and localities; report.** Directs the Joint Legislative Audit and Review Commission to identify and evaluate the various fiscal impacts of the Refugee Resettlement Program on the Commonwealth and localities, including costs related to health care, employment, and social and support services for refugees in the Commonwealth and including historical trends and expected future fiscal impacts. As part of its study, the Joint Legislative Audit and Review Commission shall specifically address the costs, current and future, of resettlement of Syrian refugees in the Commonwealth.

*Patron - O'Bannon*

**FHJ70 Study; JLARC to study feasibility of public-private partnership in managing state parks; report.**

Directs the Joint Legislative Audit and Review Commission to study the feasibility of establishing a public-private partnership for the construction and operation of new state parks and the management of existing state parks.

*Patron - Poindexter*

**FHJ72 Study; effects of increasing the minimum wage in the Commonwealth; report.** Requests the Virginia Employment Commission (VEC) to study the effects of increasing the minimum wage in the Commonwealth. In conducting its study, VEC is directed to examine several variations in minimum wage increases, including raising it to different levels, limiting such an increase to employers of a certain size, and adopting an age-based minimum wage. VEC is directed to report its findings to the Governor and the General Assembly by the 2017 Regular Session of the General Assembly.

*Patron - Krizek*

**FHJ73 Study; CTB to study reduction or elimination of tolls on Midtown and Downtown Tunnels in Hampton Roads; report.** Requests the Commonwealth Transportation Board to study the feasibility of reducing or eliminating tolls on the Midtown and Downtown Tunnels in Hampton Roads.

*Patron - Heretick*

**FHJ77 Study; CTB to study reduction or elimination of tolls on Midtown and Downtown Tunnels in Hampton Roads; report.** Requests the Commonwealth Transportation Board to study the feasibility of reducing or eliminating tolls on the Midtown and Downtown Tunnels in Hampton Roads.

*Patron - James*

**FHJ79 Study; JLARC; sentencing alternatives; report.** Directs the Joint Legislative Audit and Review Commission to study sentencing of Schedule I and II offenders and alternatives to incarceration.

*Patron - Herring*

**FHJ83 Study; Office of School Nutrition Programs in the Department of Education; student nutrition; report.** Requests the Office of School Nutrition Programs in the Department of Education to study the effects of student participation in federal free and reduced price meals programs on student academic performance by collecting Standards of Learning assessment data from the 2014-2015 and 2015-2016 school years for each public elementary and secondary school student in the Commonwealth who participated in the federal School Breakfast Program or National School Lunch Program for the first time during the 2015-2016 school year and analyzing such data by individual student, nutrition program, assessment subject area, grade level, school, and school division.

*Patron - Bagby*

**FHJ94 Study; Oyster shell reclamation; report.** Requests Virginia Commonwealth University's Rice Rivers Center, in consultation with stakeholders, to study and identify incentives to increase participation in oyster shell reclamation.

*Patron - Yancey*

**FHJ99 Study; additional intermodal transfer facility near Danville; report.** Requests the Secretary of Transportation to study the feasibility of establishing an additional intermodal transfer facility on U.S. Route 58 near Danville.

*Patron - Marshall, D.W.*

**FHJ100 Study; Department of Transportation; Dulles Greenway ownership; report.** Requests the Department of Transportation to study whether reductions in operat-

ing costs could be obtained through partial Commonwealth ownership of the Dulles Greenway.

*Patron - Bell, John J.*

**[F]HJ101 Study; Department of Transportation; purchase of the Dulles Greenway; report.** Requests the Department of Transportation to study the feasibility of purchasing the Dulles Greenway.

*Patron - Bell, John J.*

**[F]HJ103 Study; Commission on Youth to study the adoption home study process in the Commonwealth; report.** Directs the Commission on Youth to study the adoption home study process, including the current mutual family assessment home study format and curriculum; review the process by which home studies are completed by staff of local departments of social services and licensed private child-placing agencies; and consider the potential benefits of implementation of a uniform home study format established by the Department of Social Services for all home studies completed in the Commonwealth.

*Patron - Peace*

**[F]HJ104 Human trafficking of minors.** Establishes a work group to study safe harbor policy for minor victims of human trafficking.

*Patron - Leftwich*

**[F]HJ108 Study; JLARC to study electronic sources of data on out-of-state income and resources of Medicaid applicants available from third-party vendors for Medicaid eligibility determinations; report.** Directs the Joint Legislative Audit and Review Commission to study electronic sources of data on out-of-state income and resources of Medicaid applicants available from third-party vendors for Medicaid eligibility determinations.

*Patron - Rasoul*

**[F]HJ109 Study; Washington Metropolitan Area Transit Authority Compact of 1966; report.** Requests the Governor to review the Washington Metropolitan Area Transit Authority Compact of 1966 and enter into discussions with his counterparts in Washington, D.C., and Maryland to identify possible improvements to the agreement, particularly with regard to the governance, financing, and operation of the Authority.

*Patron - LeMunyon*

**[F]HJ110 Study; Secretary of Transportation; tolling alternatives on Interstate 66; report.** Requests the Secretary of Transportation to study alternatives to add vehicle capacity to Interstate 66 inside the Capital Beltway.

*Patron - LeMunyon*

**[F]HJ115 Study; construction of I-73; report.** Creates a joint subcommittee to conduct a two-year study to promote the construction of I-73 in Virginia to continue the work of the joint committee of the Senate Committee on Local Government and the Senate Committee on Transportation created in 2014.

*Patron - Adams*

**[F]HJ116 Study; Department of Transportation to study proposed Interstate 73; report.** Requests the Department of Transportation to conduct a preliminary engineering study on proposed Interstate 73. Such study shall include information on surveying and the possibility of purchasing necessary rights-of-way.

*Patron - Adams*

**[F]HJ138 Study; Joint Commission on Transportation Accountability; report.** Directs the Joint Commission on Transportation Accountability to study the Metropolitan Washington Airports Authority's compliance with the Dulles Toll Road Permit and Operating Agreement.

*Patron - LaRock*

**[F]HJ149 Study; reasonableness of interest rates on motor vehicle title loans; report.** Requests the Bureau of Financial Institutions of the State Corporation Commission to study the reasonableness of interest rates on motor vehicle title loans, including the profitability of such loans and how such rates and profit levels compare with those for alternative types of loans. The Bureau is directed to report its findings to the Governor and the General Assembly by the 2017 Regular Session of the General Assembly.

*Patron - Sickles*

**[F]HJ151 Study; JLARC; early childhood development programs; report.** Directs the Joint Legislative Audit and Review Commission to study specific early childhood development programs, prenatal to age five, in the Commonwealth in order for the General Assembly to determine the best strategy for future early childhood development investments.

*Patron - Jones*

**[F]HJ159 Study; Department of Rail and Public Transportation; improved transportation services; report.** Requests that the Department of Rail and Public Transportation (the Department) evaluate the level of study necessary to identify and advance potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties, including the feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1. Following the evaluation, the Department shall proceed to the recommended level of study for improved public transportation services along the U.S. Route 1 corridor. The Department shall report on its findings and recommendations by the first day of the 2017 and 2018 Regular Sessions of the General Assembly.

*Patron - Torian*

**[F]HJ161 Study; Division of Special Education and Student Services of the Department of Education; inclusive education practices pilot program; report.** Requests that the Division of Special Education and Student Services of the Department of Education study the essential components of a comprehensive pilot program to implement training and policy development that promotes inclusive education practices for students with disabilities in public elementary and secondary schools in the Commonwealth.

*Patron - Yost*

**[F]SJ38 Study; juvenile records; employment; report.** Directs the Commission on Youth to study expungement of juvenile court records.

*Patron - Locke*

**[F]SJ51 Study; indigent defense; report.** Directs the Virginia State Crime Commission to study the feasibility and costs of establishing a comprehensive indigent defense system at the appellate level in the Commonwealth.

*Patron - Dance*

**[F]SJ57 Study; joint subcommittee on the death penalty in Virginia; report.** Establishes a seven-member legislative joint subcommittee to study the death penalty in Virginia. In conducting its study, the joint subcommittee shall, among other things, (i) provide a demographic analysis of capital defen-



dants; (ii) examine, among other issues it deems appropriate, issues concerning the death penalty, including disparity, fairness, equity, due process, competence of counsel for capital defendants, particularly those who are indigent, and limitations on the introduction of newly discovered and possibly exculpatory evidence; (iii) review the administration of criminal justice in Virginia to determine the extent to which the process has failed, resulting in wrongful convictions and possible executions of innocent persons; (iv) determine the prosecution and state-paid defense costs in all capital cases, including pretrial, trial, direct appeal, and post-conviction proceedings and state and federal habeas corpus; and (v) consider whether there is public support for a moratorium on the death penalty in the Commonwealth and evaluate issues involved in the imposition of a moratorium on the death penalty in Virginia. The joint subcommittee shall submit its findings and recommendations to the Governor and the 2017 Session of the General Assembly.

*Patron - Dance*

**[E]SJ59 Study; JLARC; consolidation of law-enforcement agencies under the Department of State Police; report.** Directs the Joint Legislative Audit and Review Commission to study consolidation of all state law-enforcement agencies under the Department of State Police.

*Patron - Deeds*

**[E]SJ71 Study; Joint Commission on Health Care; placement options for individuals with brain injury, post-traumatic stress disorder, or dementia who experience aggression; report.** Directs the Joint Commission on Health Care (the Commission) to study placement options for individuals with brain injury, post-traumatic stress disorder, or dementia who experience aggression. In conducting the study, the Commission shall identify the various placement options and identify the barriers to placement for such individuals and make recommendations for improving access to safe, appropriate placements. The Commission shall complete its work by November 30, 2017.

*Patron - Carrico*

**[E]SJ73 Study; Department of Social Services; feasibility of lessening restrictions of barrier crime statutes applicable to kinship foster care and adoptive placements in the Commonwealth; report.** Requests the Department of Social Services (the Department) to (i) review the Commonwealth's current barrier crime statutes that apply to kinship foster care and adoptive placements, (ii) assess the feasibility of lessening and formulate recommendations to lessen the restrictions of such statutes in a manner that would promote kinship foster care and adoptive placements while continuing to ensure the safe placement of children, and (iii) consult with all relevant stakeholders. The resolution requests that the Department present its findings and recommendations to the Commission on Youth and that the Department submit to the Governor and the General Assembly an executive summary and report no later than the first day of the 2017 Regular Session of the General Assembly.

*Patron - Favola*

**[E]SJ75 Study; Virginia Housing Commission; report.** Directs the Virginia Housing Commission to study the impact of a tenant's delinquency in paying separately metered utilities pursuant to a rental agreement on landlords in the Commonwealth.

*Patron - DeSteph*

**[E]SJ83 Study; Department of Medical Assistance Services and Department of Social Services; conferral of authority to local departments of social services to investigate Medicaid fraud cases; report.** Requests that the Depart-

ment of Medical Assistance Services (DMAS) and the Department of Social Services consult with all relevant stakeholders and (i) analyze the potential benefits and issues of allowing local departments of social services (local departments) to investigate cases of suspected fraud that involve Medicaid and any other public assistance program administered in whole or in part by the local departments, including the Supplemental Nutrition Assistance Program; (ii) identify the most efficient methods of implementing the conferral of such authority to local departments; and (iii) analyze whether local departments should be permitted to collect a percentage of the funds recovered in cases investigated by such local departments that involve Medicaid and another public assistance program administered in whole or in part by local departments.

The provisions of the resolution are contingent on the Centers for Medicare and Medicaid Services issuing guidance on whether the costs associated with this study are available for federal financial participation.

*Patron - Chafin*

**[E]SJ87 Study; Virginia Housing Commission; mandatory recycling programs for multifamily residential dwellings; report.** Directs the Virginia Housing Commission to study the feasibility of requiring (i) the owner of every multifamily residential dwelling and (ii) the executive organ or common interest community manager for every condominium to develop and implement a plan for recycling solid waste generated by the multifamily residential dwelling or condominium.

*Patron - Ebbin*

**[E]SJ89 Study; Virginia Housing Commission; report.** Directs the Virginia Housing Commission to study the impact of tenant bankruptcy proceedings on landlords in Virginia.

*Patron - DeSteph*

**[E]SJ95 Study; Commission on Youth; Department of Social Services' administration of the Temporary Assistance for Needy Families Program; report.** Directs the Commission on Youth to (i) evaluate the Department of Social Services' administration of the Temporary Assistance for Needy Families (TANF) Program and identify the amount of and reasoning for unused TANF funds; (ii) determine whether TANF funds are being used for the intended purposes of the TANF Program or whether such funds are being diverted to other programs or non-TANF purposes; (iii) determine whether and how TANF funds can be better used to stabilize families economically, help provide educational opportunities, and provide parenting classes and identify other support services that could be made available through TANF funding to strengthen families; and (iv) consult with all relevant stakeholders.

*Patron - Favola*

**[E]SJ96 Study; State Council of Higher Education, VCCS, and DOE; report.** Requests the State Council of Higher Education for Virginia, the Virginia Community College System, and the Department of Education to jointly study strategies for improving college readiness in the Commonwealth.

*Patron - Dunnivant*

## Carried Over

**[C]HJ50 Study; Department of Education; effect of local use value assessment of certain real estate on the Composite Index of Local Ability to Pay; report.** Requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the

use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values.

*Patron - Webert*

**CSJ81 Study; Joint Legislative Audit and Review Commission; teacher salary compression; report.** Directs the Joint Legislative Audit and Review Commission to study compression in the teacher salary scale in local school divisions, analyze the effect of compression on teacher recruitment and retention, and identify necessary adjustments.

*Patron - Sturtevant*

**CSJ84 Study; Department of Rail and Public Transportation; improved transportation services; report.** Requests that the Department of Rail and Public Transportation (the Department) evaluate the level of study necessary to identify and advance potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties, including the feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1. Following the evaluation, the Department shall proceed to the recommended level of study for improved public transportation services along the U.S. Route 1 corridor. The Department shall report on its findings and recommendations by the first day of the 2017 and 2018 Regular Sessions of the General Assembly.

*Patron - Surovell*

**CSJ86 Study; SCHEV; Pay It Forward, Pay It Back; report.** Directs the State Council of Higher Education for Virginia to study the feasibility of implementing a "Pay It Forward, Pay It Back" higher education tuition financing model to increase access to educational opportunities and to decrease the debt burden on students in the Commonwealth.

*Patron - Edwards*

## Appendix A: Session Statistics

# 2016 SESSION STATISTICS

	Introduced	Passed	Failed	Continued
<b>House Bills</b>	1391	517	759	115
<b>House Joint Resolutions</b>	537	470	64	3
<b>House Resolutions</b>	265	260	4	1
<b>House Total</b>	2193	1247	827	119
<b>Senate Bills</b>	781	294	382	105
<b>Senate Joint Resolutions</b>	215	172	25	18
<b>Senate Resolutions</b>	97	90	7	0
<b>Senate Total</b>	1093	556	414	123
<b>General Assembly Total</b>	3286	1803	1241	242



# Appendix B: 2016 SESSION HIGHLIGHTS

The *2016 Session Highlights* summarizes significant legislation considered by the 2016 Session of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the 2016 Session covers legislative actions through sine die on Friday, March 11, 2016. Bills are differentiated as Passed, Failed, or Carried Over. Passed bills are subject to review and veto by the Governor; thus, some of the bills listed as passed in this volume may be amended and some may not become law.

## Agriculture

### **Passed**

**HB 340 Regulations for private animal shelter.** Requires the Board of Agriculture and Consumer Services to adopt regulations that determine whether a private animal shelter meets the purpose of finding permanent adoptive homes for animals.

**HB 448 Acquisition of nutrient offset credits.** Allows a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, on land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill also allows the acquisition of credits or the allocation of credits under the general permit for a period longer than the current five-year restriction, subject to the approval of the State Water Control Board.

**HB 699 Production of industrial hemp.** Clarifies that it is lawful for a person with a license to manufacture industrial hemp products or engage in scientific, agricultural, or other research involving the applications of industrial hemp and that no person shall be prosecuted for the possession, cultivation, or manufacture of industrial hemp plant material or products. The current law authorizes the Board of Agriculture and Consumer Services to adopt regulations necessary to license persons to grow industrial hemp or administer a research program. The bill requires the Commissioner of Agriculture and Consumer Services to establish a licensure program, with a maximum license fee of \$250.

**HB 903 Commonwealth Center for Recurrent Flooding Resiliency.** Designates the Commonwealth Center for Recurrent Flooding Resiliency jointly at Old Dominion University, the Virginia Institute of Marine Science, and The College of William and Mary to (i)

## Table of Contents

Agriculture.....	1
Business.....	2
Constitutional Amendments.....	3
Courts/Civil Law.....	3
Courts/Criminal Justice.....	4
Education.....	5
FOIA.....	6
General Laws.....	7
Health.....	9
Housing.....	10
Prisons/Corrections.....	10
Social Services.....	10
Taxation.....	10
Transportation/Motor Vehicles.....	11

serve, advise, and support the Commonwealth by conducting interdisciplinary studies and investigations and (ii) provide training, technical and nontechnical services, and outreach in the area of recurrent flooding and resilience research to the Commonwealth and its political subdivisions.

## Business

### **Passed**

**HB 378/SB 631 Workers' compensation; fee schedules for medical services.** Directs the Workers' Compensation Commission (the Commission) to adopt regulations establishing fee schedules setting the maximum pecuniary liability of the employer for medical services provided to an injured person pursuant to the Virginia Workers' Compensation Act, in the absence of a contract under which the provider has agreed to accept a specified amount for the medical service. The regulations implementing the fee schedules shall become effective on January 1, 2018. The initial fee schedules will set amounts based on a reimbursement objective, which is the average of all amounts paid to providers in the same category of providers for the medical service in the same medical community. The Commission is required to retain a firm to assist it in establishing the initial fee schedules. The Commission is required to review and revise the fee schedules in the year after they become effective and biennially thereafter. The liability of the employer for certain medical services not included in a fee schedule will be set by the Commission. A stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims when the total charges exceed a charge outlier threshold, which initially is 150 percent of the maximum fee for the service set forth in the applicable fee schedule. Providers are prohibited from using a different charge master or schedule of fees for any medical service provided for workers' compensation patients than the provider uses for health care services provided to patients who are not claimants. The regulations setting fee schedules are exempt from the Administrative Process Act if the Commission utilizes a regulatory advisory panel to assist in the development of such regulations and provides an opportunity for public comment on the regulations prior to adoption. The regulatory advisory panel is directed to make recommendations to the Commission prior to July 1, 2017, on workers' compensation issues relating to (i)

pharmaceutical costs not previously included in the fee schedules; (ii) durable medical equipment costs not previously included in the fee schedules; (iii) certain awards of attorney fees; (iv) peer review of medical costs; (v) prior authorization for medical services; and (vi) other issues that the Commission assigns to it. The existing peer review provisions are repealed. The measure has an emergency clause.

**HB 775/SB 646 Fantasy Contests Act; registration required; conditions of registration; civil penalty.** Creates the Fantasy Contests Act (the Act), which applies to fantasy contests with an entry fee offered in Virginia. The bill defines "fantasy contest" as any online fantasy or simulated game or contest in which (i) the value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, the point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event. The bill requires operators of fantasy contests to register annually with the Department of Agriculture and Consumer Services. The bill sets forth the conditions for registration and penalties for violation of the Act. The bill provides that such contests are not illegal gambling.

**HB 874/SB 582 Credit unions; voluntary mergers.** Authorizes the State Corporation Commission (SCC), notwithstanding field of membership requirements, to approve a merger of two Virginia state-chartered credit unions if (i) at least one of the merging credit unions has fewer than 35,000 active members and (ii) neither of the merging credit unions has been a party to a merger pursuant to this exemption within the preceding 24 months. The field of membership of the surviving credit union may be composed of a combination of the fields of membership of the merging credit unions.

### **Failed**

**HB 597 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.00 per hour effective July 1, 2016, to \$13 per hour effective July 1, 2017, and to \$15 per hour effective

## 2016 Session Highlights

July 1, 2018, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA.

### Constitutional Amendments

#### **Passed**

**HB 4/SB 446 Constitutional amendment (voter referendum); right to work.** Provides for a referendum at the November 8, 2016, election to approve or reject an amendment to Article I of the Constitution of Virginia to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise.

**HB 865 Constitutional amendment (voter referendum); property tax exemption for surviving spouse of certain emergency services providers.** Provides for a referendum at the November 8, 2016, election to approve or reject an amendment to Article X of the Constitution of Virginia to allow the General Assembly to provide an option to the localities to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty. The amendment provides that the surviving spouse must occupy the real property as his or her principal place of residence and that the exemption ceases if the surviving spouse remarries.

#### **Failed**

**HB 3/SB 588 Constitutional amendment (voter referendum); charter schools.** Provides for a referendum at the November 8, 2016, election to approve or reject an amendment to Article VIII of the Constitution of Virginia to grant the Board of Education the authority to establish charter schools within the school divisions of the Commonwealth, subject to any

criteria or conditions that the General Assembly may prescribe.

### Courts/Civil Law

#### **Passed**

**HB 231/SB 181 Augmented estate; elective share of surviving spouse.** Revises provisions of the Code related to the elective share of the surviving spouse of a decedent dying on or after January 1, 2017, to track revisions made to the Uniform Probate Code by the Uniform Law Commission. The bill calculates the elective share of the surviving spouse as a graduated percentage, taking into account both spouses' assets and the length of marriage. Under current law, the surviving spouse is awarded 50% of the estate if there were no children and 33.3% if there were children. The bill also clarifies the process by which the elective share is to be claimed and provides instructions for the valuation of assets to encourage uniformity in the method of calculation of the elective share.

**HB 703/SB 415 Legal age for marriage; 18 years of age.** Provides that both parties to a marriage must be 18 years of age or older or emancipated at the time of solemnization by removing exceptions that allow marriage at a minimum age of 16 with the consent of the parent or guardian or younger than 16 in the case of pregnancy and with the consent of the parent or guardian and provides that marriages entered into in violation of this law are voidable. The bill also allows a minor to petition the juvenile and domestic relations district court for emancipation based on such minor's desire to enter into a marriage. The bill provides that, to allow emancipation based on such minor's desire to enter into a marriage, the court must make certain written findings, including that it is the minor's own will to enter into the marriage, that the individuals to be married are mature enough to make a decision to marry, that the marriage will not endanger the safety of the minor, and that it is in the best interests of the minor to be emancipated.

#### **Failed**

**HB 906 Communications between ministers of religion and persons they counsel or advise.** Provides that the testimony of a minister of religion that would disclose information communicated to the minister of religion confidentially by a person who sought spiritual counsel or advice from the minister of religion shall not



be permitted in a civil action over the objection of the person. The bill extends the "priest-penitent" privilege to individuals who seek spiritual counsel or advice from a minister of religion. This bill is a recommendation of the Boyd-Graves Conference.

### Courts/Criminal Justice

#### **Passed**

**HB 227/SB 358 Hearsay; exception; children; certain felonies.** Establishes a hearsay exception to certain out-of-court statements made by a child under the age of 13 at the time of trial in cases involving a violation or attempted violation of an "offense against children." The bill contains a list of certain felony sex offenses and certain felony offenses resulting in physical injury that fall within the definition of an "offense against children." The court must hold a hearing prior to trial and find that the time, content, and totality of the circumstances provide sufficient indicia of reliability so as to render such statement inherently trustworthy. The bill provides factors for the court to consider in making such a determination. Notice of intent to offer the statement and the particulars of the statement must be given to the adverse party at least 14 days in advance of the proceedings.

**HB 481/SB 270 Compliance with detainers; U.S. Immigration and Customs Enforcement.** Prohibits the Director of the Department of Corrections, sheriff, or other official in charge of a facility from releasing an incarcerated alien for whom a lawful detainer order has been received from U.S. Immigration and Customs Enforcement, except to transfer custody of such alien to another facility or to an appropriate federal authority. The bill provides that an alien must be held in excess of his scheduled release date if federal or state law requires that such alien be held until transferred to an appropriate federal authority.

**HB 1059 Virginia Criminal Sentencing Commission; heroin.** Directs the Virginia Criminal Sentencing Commission to evaluate judge-sentencing and jury-sentencing patterns and practices in cases of manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute heroin across the Commonwealth and recommend adjustments in the sentencing guidelines previously adopted by the Commission.

#### **HB 1160/SB 291 Physical evidence recovery kits.**

Establishes a comprehensive procedure for the collection and analysis of physical evidence recovery kits for victims of sexual assault, including those who elect at the time of the exam not to report a sexual assault to a law-enforcement agency. Kits from victims who elect not to report are known as "anonymous physical evidence recovery kits" and will be stored at the Division of Consolidated Laboratory Services (the Division) for two years, although the Division, the victim, or the law-enforcement agency may elect for the kits to be retained for a longer period of time. If the victim later elects to report the sexual assault, the victim's kit will be released to law enforcement. Health care providers are required to explain these procedures and time frames to victims. Where the victim elects to report the offense to law enforcement at the time of the exam, law enforcement is required to take possession of the victim's kit forthwith upon notification from the health care provider that the kit has been collected and, with limited exceptions, to submit the kit to the Department of Forensic Science for analysis within 60 days. The bill outlines the exceptions to mandatory submission for analysis, time frames, and storage requirements for retention of analyzed samples; expungement of DNA samples obtained but not connected to a crime; and victims' notification rights.

#### **HB 1163/SB 610 Recognition of out-of-state concealed handgun permits; photo identification.**

Provides that the holder of an out-of-state concealed handgun permit who is at least 21 years of age is authorized to carry a concealed handgun in Virginia if (i) the other state has a means of verification of the validity of the permits issued in that state, accessible 24 hours a day if available; (ii) the person carries a government-issued photo identification and displays it upon demand of a law-enforcement officer; and (iii) the person has not previously had a Virginia concealed handgun permit revoked. The bill requires the Superintendent of State Police (Superintendent) to enter into agreements for reciprocal recognition with other states that require an agreement to be in place before the state will recognize a Virginia concealed handgun permit as valid in the state. The bill provides that if the Superintendent determines that another state requires the Attorney General to execute or formally approve such agreement, the Attorney General will execute or approve such agreement within 30 days of written notification by the Superintendent that the Attorney General is required to execute or approve such agreement. Current law

recognizes concealed handgun permits issued by states that (a) provide a means of verification of the validity of the permits issued in that state, accessible 24 hours a day and (b) have requirements and qualifications that are adequate to prevent possession of a permit by persons who would be denied a permit in Virginia. In addition, the bill requires the Superintendent, within 60 days of the effective date of the bill, to enter into agreements for reciprocal recognition of concealed handgun permits or licenses with other states where agreements were in existence on December 1, 2015.

**HB 1386/SB 715 Firearms shows; voluntary background checks; penalties.** Requires the Department of State Police to be available to perform background checks for non-dealer sales at firearms shows if requested by a party involved in a transaction. The promoter of the firearms show shall furnish the Department of State Police sufficient facilities to perform the background checks. In order for the bill to become effective, the U.S. Department of Justice must approve the policies and procedures that the Department of State Police will use to implement the provisions of the bill.

**HB 1391/SB 49 Protective orders; possession of firearms; penalty.** Provides that it is a Class 6 felony for a person who is subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) for family abuse to possess a firearm while the order is in effect. The bill also provides that such person may continue to possess and transport a firearm for 24 hours after being served with the order for the purposes of selling or transferring the firearm to another person. Under current law, it is a Class 1 misdemeanor for a person subject to a protective order to purchase or transport a firearm.

### Failed

**HB 766/SB 626 Carrying concealed handguns; protective orders.** Authorizes any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm and is protected by an unexpired protective order to carry a concealed handgun for 45 days after the protective order was issued. The bill provides that if the person issued the protective order applies for a concealed handgun permit during such 45-day period, such person will be authorized to carry a concealed handgun for an additional 45 days and be given a copy of the certified

application, which shall serve as a de facto concealed handgun permit. The bill requires such person to have the order or certified application and photo identification on his person when carrying a concealed handgun and to display them upon demand by a law-enforcement officer; failure to do so is punishable by a \$25 civil penalty.

**HB 997 Marijuana; decriminalization of simple marijuana possession.** Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$100 for a first violation, \$250 for a second violation, and \$500 for a third or subsequent violation. Under current law, a first offense is punishable by a maximum fine of \$500 and a maximum 30-day jail sentence, and subsequent offenses are a Class 1 misdemeanor. The bill reduces the criminal penalties for distribution and possession with intent to distribute, etc., marijuana. The bill creates a rebuttable presumption that a person who possesses no more than one ounce of marijuana possesses it for personal use and provides that the suspended sentence/substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill also limits forfeiture of property from the sale or distribution of marijuana to quantities of more than one pound; currently there is no minimum amount.

**SB 22 Expungement of certain charges and convictions.** Allows a person to petition for expungement of convictions and deferred disposition dismissals for marijuana possession, underage alcohol possession, and using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday and five years have elapsed since the date of completion of all terms of sentencing and probation.

### Education

#### Passed

**HB 8 Virginia Virtual School established.** Establishes the Board of the Virginia Virtual School (the Board) as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School (the School). The Secretary of Education is responsible for such agency. The 14-member Board is given operational control of the School and assigned powers and duties. The bill requires the School to be open to any school-age person in the Commonwealth and provide an educational program meeting the Standards of Quality for grades kindergarten

through 12. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School.

**HB 131/SB 612 Students who receive home instruction; participation in interscholastic programs.** Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. This bill was vetoed by the Governor.

**HB 516 Board of Education; policy on sexually explicit instructional material.** Requires the Board of Education to establish a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, as defined by the Board; (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request; and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, nonexplicit instructional material and related academic activities to any student whose parent so requests.

**HB 895/SB 336 Board of Education; high school graduation requirements.** Removes existing provisions related to standard and advanced studies diplomas and

standard and verified units of credit and requires the Board of Education, in establishing high school graduation requirements, to (i) develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship; (ii) emphasize the development of core skill sets in the early years of high school; and (iii) establish multiple paths toward college and career readiness for students to follow in the later years of high school that include internships, externships, and credentialing. The bill also sets forth the procedure for the establishment of such graduation requirements. The bill specifies that such graduation requirements shall apply to each student who enrolls in high school as (a) a freshman after July 1, 2018; (b) a sophomore after July 1, 2019; (c) a junior after July 1, 2020; or (d) a senior after July 1, 2021.

## FOIA

### **Passed**

**HB 817/SB 494 Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are

## 2016 Session Highlights

not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies.

### Failed

**SB 202 Virginia Freedom of Information Act; disclosure of salaries of public employees.** Provides that public access to records of the official salaries or rates of pay of public employees whose annual rate of pay is the annual equivalent of twice the federal minimum wage or less is not required under FOIA. Currently, public access to salary information is required for public employees whose annual rate of pay is more than \$10,000. The bill also provides that publicly available databases of public employees' salaries shall not include the name of any public officer, appointee, or employee.

### General Laws

#### Passed

**HB 143 Alcoholic beverage control; neutral grain spirits or alcohol sold at government stores; proof.** Increases from 101 to 151 the proof of neutral grain spirits or alcohol that is without distinctive character, aroma, taste, or color that may be sold at government stores. This bill was vetoed by the Governor.

**HB 145 Virginia Public Procurement Act; public works contracts; prevailing wage provisions.** Prohibits state agencies from requiring bidders, offerors, contractors, or subcontractors to pay, or require the payment of, wages, salaries, benefits, or other remuneration to persons employed to perform services in connection with a public works project at a rate that is based on the wages and benefits prevailing for the corresponding classes of labors and mechanics employed. A corresponding prohibition is made applicable to state agencies providing grants or other financial assistance for public works projects, unless otherwise required under federal law. The measure

further states that it is the policy of the Commonwealth not to implement, adopt, enforce, or require any program, policy, or provision that requires a public works contract that requires the payment of wages or other remuneration at a rate based on the prevailing wage, whether modeled on the federal Davis-Bacon Act or similar state law. This bill was vetoed by the Governor.

**HB 335/SB 352 Official emblems and designations; official snake; state rock.** Establishes the Eastern Garter Snake (*Thamnophis sirtalis sirtalis*) as the official snake of the Commonwealth and Nelsonite as the state rock of Virginia. The bills also add to § 1-510 of the Code of Virginia, which consolidates official state emblems and designations, two designations—the Northern Cardinal as the state bird and the American Dogwood as the state tree, adopted as HJ 9 (1950) and HJ 6 (1956), respectively—that had been inadvertently omitted.

**HB 814 Secretary of the Commonwealth; powers and duties; creation of a Virginia Indian advisory board.** Authorizes the Secretary of the Commonwealth to establish a Virginia Indian advisory board to assist the Secretary in reviewing applications seeking recognition as a Virginia Indian tribe and to make recommendations to the Secretary, the Governor, and the General Assembly on such applications and other matters relating to recognition. The bill sets out the membership and powers and duties of any Virginia Indian advisory board established by the Secretary of the Commonwealth.

**HB 1362/SB 692 Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; annual filing of required disclosures; definition of gift; separate report of gifts; definition of procurement transaction; technical amendments.** Requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April and persons subject to the conflict of interests acts are required to file on or before January 15. The bill also requires the Governor, Lieutenant Governor, and Attorney General, members of the Governor's Cabinet, and members of the General Assembly to file on or before May 1 a separate report of gifts received during the period beginning January 1 through adjournment sine

die of the regular session of the General Assembly. Effective January 1, 2017, the bill removes from the Code the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and requires the Virginia Conflict of Interest and Ethics Advisory Council (Council) to prescribe the forms to be used to comply with disclosure requirements. The bill also makes numerous other changes related to lobbyist reporting and the conflict of interests acts including (i) exempting from the definition of a gift any gift with a value of less than \$20; (ii) providing that the filing of a single disclosure form by a person subject to the conflict of interests acts satisfies the filing requirement for all positions or offices held or sought by such person; (iii) clarifying that lobbying disclosure forms are filed with the Council and are open to public inspection and copying in the office of the Council, and not the Secretary of the Commonwealth; (iv) clarifying that candidates for statewide office, the General Assembly, and constitutional office are required to file a statement of economic interests with the Council; (v) authorizing travel provided to facilitate attendance by a legislator at certain meetings where attendance is approved by the Chairman of the House or Senate Committee on Rules in addition to approval by either committee is not a gift; (vi) clarifying that gifts to certain members of a lobbyist's family are not considered gifts; (vii) providing that the definition of procurement transaction for purposes of the laws governing lobbyists is limited to those in which the stated or expected value of the contract is equal to \$5 million or more; (viii) providing that records relating to formal advisory opinions or informal advice of the Council shall be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act; (ix) providing that a lobbyist's principal is not required to disclose the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event; and (x) authorizes the Council to grant an extension from a filing deadline for good cause. The bill contains an emergency clause that applies to the changes described in clauses (vii) through (x). Finally, the bill requires that the Supreme Court of Virginia report to the Council by October 1, 2016, on the application of the conflict of interests acts on members of the judiciary and evaluate

the feasibility of creating separate provisions that would apply to such members.

**SB 41 Religious freedom; solemnization of marriage.**

Provides that no person shall be (i) required to participate in the solemnization of any marriage or (ii) subject to any penalty, any civil liability, or any other action by the Commonwealth, or its political subdivisions or representatives or agents, solely on account of such person's belief, speech, or action in accordance with a sincerely held religious belief or moral conviction that marriage is or should be recognized as the union of one man and one woman. The bill defines "person" as any (a) religious organization; (b) organization supervised or controlled by or operated in connection with a religious organization; (c) individual employed by a religious organization while acting in the scope of his paid or volunteer employment; (d) successor, representative, agent, agency, or instrumentality of any of the foregoing; or (e) clergy member or minister. The bill also defines "penalty."

**Failed**

**HB 773 Government Nondiscrimination Act; creation.** Creates the Government Nondiscrimination Act (the Act), which prohibits a government entity from taking any discriminatory action against a person on the basis that such person believes, speaks, or acts in accordance with a sincerely held religious belief that marriage is or should be recognized as the union of one man and one woman and that the terms "man" and "woman" refer to an individual's immutable biological sex as objectively determined by anatomy and genetics of the individual at the time of birth. For purposes of the Act, discriminatory actions include actions that adversely affect the tax treatment of a person or that withhold or otherwise make unavailable any (i) grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, license, certification, accreditation, or employment; (ii) entitlement or benefit under a benefit program; or (iii) entitlement to utilize state property. The Act also provides that a person shall be considered to be validly accredited, licensed, or certified for any purpose under state law if such person would otherwise have been accredited, licensed, or certified but for a determination based upon such person's sincerely held religious belief or moral conviction.

Health

**Passed**

**HB 789 Exhumations; notice to next of kin.**

Establishes procedures for notification of the next of kin of a dead person upon receipt by the circuit court of a report regarding an investigation that requires an exhumation or filing of a petition for exhumation. The bill provides that in cases in which the exhumation is requested as part of an investigation by the Chief Medical Examiner or other medical examiner, upon request of the attorney for the Commonwealth and a finding that good cause exists, a judge may order for a period not to exceed 90 days that notification of the next of kin of the dead person be withheld, the report and order for exhumation be sealed, and any parties involved in the investigation or exhumation not disclose to the next of kin of the dead person or to any other person that the court may deem appropriate that the investigation or exhumation has occurred. Such order may be extended for additional periods of up to 90 days upon petition of the attorney for the Commonwealth and a finding that good cause for such extension exists.

**HB 905 Advance disclosure of allowed amount or charge for procedure.** Requires every hospital to furnish a patient scheduled to receive an elective procedure, test, or service to be performed by the hospital, upon his request or the request of his legally authorized representative made no less than three days in advance of the date on which such elective procedure, test, or service is scheduled to be performed, with an estimate of the payment amount for which the participant will be responsible.

**SB 278 Criminal history background checks; continued employment of individuals convicted of an offense.** Prohibits assisted living facilities, adult day care centers, licensed and registered child welfare agencies, and family day homes approved by family day systems from continuing to employ individuals who have been convicted of specific offenses as defined in § 63.2-1719 that are barriers to employment.

**SB 437 Military medical personnel; pilot program.**

Directs the Department of Veterans Services, in collaboration with the Department of Health Professions, to establish a pilot program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine under the

supervision of a licensed physician or podiatrist. The bill requires the Department of Veterans Services to establish general requirements for participating in the program.

**Failed**

**SB 436 Fostering Futures program.** Establishes the Fostering Futures program to provide services and support to individuals between the ages of 18 and 21 who were formerly in foster care as a minor and are transitioning to adulthood and self-sufficiency.

**Carried Over**

**HB 193 Certificates of public need.** Creates a two-phase process to sunset certificate of public need requirements for many categories of medical care facilities and projects, with the requirement for a certificate of public need (i) for ambulatory and outpatient surgery centers other than rural ambulatory and outpatient surgery centers and for capital expenditures at medical care facilities other than rural medical care facilities, repealed effective July 1, 2016, and (ii) for all medical care facilities other than nursing homes, rehabilitation hospitals and beds, organ or tissue transplant services, certain open heart surgery services, and rural medical care facilities, repealed effective January 1, 2017. The bill also creates a new permitting process for categories of facilities and projects exempted from the certificate of public need process that requires the Commissioner of Health to issue a permit but requires the Commissioner to condition a permit on (a) the agreement of the applicant to provide a specified level of care at a reduced rate to indigents, accept patients requiring specialized care, or facilitate the development and operation of primary medical care services in designated medically underserved areas of the applicant's service area and (b) compliance of the applicant with quality of care standards. The bill also eliminates regional health planning agencies and makes numerous changes to the COPN process for facilities and projects that will still be subject to the requirement of a certificate.

## Housing

### **Passed**

**SB 416 Limited Residential Lodging Act; penalty.** Establishes the Limited Residential Lodging Act (the Act), which allows persons to rent out their primary residences or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform. Localities are preempted from adopting ordinances or zoning restrictions prohibiting such short-term rentals, but authorized to adopt ordinances requiring persons renting their primary residences to have a minimum of \$500,000 of liability insurance, prohibiting persons from renting their primary residences if they fail to pay applicable taxes, and requiring persons renting their primary residences to register with the locality. A hosting platform must register with the Department of Taxation to collect and remit all applicable taxes on behalf of the property owner using the hosting platform. The bill defines "limited residential lodging," "booking transaction," and "hosting platform" and provides for penalties for violations of the Act. The bill contains a reenactment clause and directs the Virginia Housing Commission to convene a work group to further study the issues presented in the bill and make recommendations for consideration by the 2017 Session of the General Assembly.

### **Failed**

**SB 67 Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity.** Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines sexual orientation and gender identity.

## Prisons/Corrections

### **Passed**

**HB 815 Method of execution.** Provides that if the Director of the Department of Corrections certifies that lethal injection is not available as a method of execution, electrocution shall be used instead, and vice versa.

## Social Services

### **Passed**

**HB 342/SB 466 Guardianship; communication between incapacitated person and others.** Provides that a guardian shall not unreasonably restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship.

**HB 1189 Operation of a child welfare agency without a license; child abuse and neglect; penalty.** Provides that operating or engaging in the conduct of a child welfare agency without first obtaining a license when it is known that such license is required or after such license has been revoked or has expired constitutes a willful act or willful omission for purpose of the crime of abuse and neglect of a child. Under current law, a parent, guardian, or other person responsible for the care of a child who by willful act or omission causes or permits serious injury to the life or health of such child is guilty of abuse and neglect of a child, which is punishable as a Class 4 felony.

## Taxation

### **Passed**

**HB 63 Sales and use tax; exemption for certain nonprofit entities.** Provides exemptions from sales and use tax and local license taxes for certain nonprofit veterans organizations. The sales and use tax exemption shall not be used by a nonprofit veterans organization for purchases of tangible personal property that is used primarily (i) for social and recreational activities for members or (ii) for providing insurance benefits to members or their dependents.

**HB 127/SB 99 Real property tax exemption; spouse of military service member killed in action.** Clarifies that "killed in action" includes a determination by the U.S. Department of Defense of "died of wounds received in action" for purposes of the real property tax exemption on the residence of the surviving spouse.

**HB 834/SB 449 Virginia Growth and Opportunity Act; report.** Establishes the Virginia Growth and Opportunity Board to administer grants from the Virginia Growth and Opportunity Fund for regional economic and workforce development projects. The bill

## 2016 Session Highlights

provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. A portion of the grant funds will be awarded on a population basis and a portion on a competitive basis.

### Carried Over

**SB 742 Motor vehicle fuels sales tax in certain transportation districts.** Changes the regional gas tax in Hampton Roads from a percentage to a cents per gallon tax that decreases as the price of gas increases. The regional gas tax in Hampton Roads would have a floor of \$0.05 per gallon and a ceiling of \$0.14 per gallon and would be determined on the basis of the average wholesale price of unleaded regular gasoline. The bill places a floor on the price of gasoline that the regional gas tax is imposed on in Northern Virginia that is identical to the floor used for the statewide gas tax and increases the regional gas tax in Northern Virginia from 2.1% to 3%.

### Transportation/Motor Vehicles

#### Passed

**HB 1069 Toll collection procedures, fees, and penalties; period of nonpayment; notice of unpaid tolls; reciprocity agreements and enforcement.** Requires the Department of Transportation to allow E-ZPass account holders to provide an email or phone number and to electronically notify account holders of a toll violation and further requires toll operators to notify the Department of such toll violations. The bill amends the definition of high-occupancy toll (HOT) lanes to ensure that mass transit vehicles and commuter buses meet the high-occupancy requirement. The bill lengthens, from 30 to 60 days, the time period before the administrative fee increases from \$25 to \$100 for all toll violations. The bill decreases the civil penalties for an unpaid toll violation on the HOT lanes, making them equal to civil penalties for other toll violations, and allows the HOT lanes operator to offer reduced civil penalties if the owner of the vehicle pays within 14 days prior to the hearing date, which is also permitted for other toll operators. For violations on any toll road, the bill provides that for a first conviction there is a cap of

\$2,200 on civil penalties and administrative fees. The bill also provides for a 10-day grace period for unpaid tolls and requires toll operators to attempt to process and collect unpaid tolls twice during such period. The bill allows the Governor to enter into agreements on behalf of the Commonwealth with other states to provide for the enforcement of tolling violations occurring in Virginia on out-of-state residents and to enforce tolling violations in other states on Virginia residents. Reciprocity agreements with other states would provide for notification of the Commissioner of the Department of Motor Vehicles (DMV) or other similar entity in another state so that violators who have not paid would have their registration suspended in accordance with the agreement. The bill allows for agreements between toll operators or high-occupancy toll (HOT) lanes operators and DMV to include necessary information to enforce reciprocity agreements. The bill states that a toll violation on the HOT lanes is a traffic infraction and requires a HOT lanes operator to mail the statutorily required invoice for unpaid tolls, as is the case for other toll violations. The bill clarifies references to the issuance of summonses for toll violations and requires toll operators to attempt to collect tolls through a debt collector before mailing a summons. The bill provides for a two-year statute of limitations for all toll violations.

**HB 1111/SB 476 Hampton Roads Transportation Accountability Commission.** Allows an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission (the Commission) who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill allows a chief elected officer to designate a current elected officer of the same governing body to serve in his place on the Commission for one meeting if 48-hour notice is provided to the chairman. The bill also ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Commission and allows the Commission to invest moneys in excess of those required to meet current needs in the same manner as other transportation moneys are invested. The bill clarifies that when investments are made in accordance with the restrictions placed on the investment of transportation moneys that those investing are exempt from personal liability. The bill also allows the Commission to spend Hampton Roads



Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013.

**HB 1348 Smoking in motor vehicles; presence of minor under age eight; civil penalty.** Provides that any person who smokes in a motor vehicle, whether in motion or at rest, when a minor under the age of eight is in the motor vehicle is subject to a civil penalty of \$100. The offense may be charged on a uniform traffic summons form. The bill provides that such violation is a secondary offense.

**SB 117 Opening and closing motor vehicle doors.** Requires drivers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. A violation constitutes a traffic infraction punishable by a fine of not more than \$50.

## **Failed**

**HB 946/SB 387 Regulation of towing.** Bans the use of spotters by tow truck drivers and towing and recovery operators and requires the authorization or presence of the owner of the property from which a trespassing vehicle is being towed; the use of spotters and towing without such authorization are included as acts for which a consumer can file a complaint with the Division of Consumer Counsel at the Office of the Attorney General. The bill also includes as violations of the Virginia Consumer Protection Act prohibited acts by tow truck drivers and towing and recovery operators, violations of police towing, and violations of local ordinances regulating police towing, price, and trespass towing.

**SB 390 Temporary visitor's driver's licenses.** Allows the Department of Motor Vehicles to issue a temporary visitor's driver's license to an applicant who is unable to present valid documentary evidence of legal permanent residency in the United States or conditional resident alien status, if certain requirements are met.

## **DIVISION OF LEGISLATIVE SERVICES**

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# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
<b>House Bills</b>							
HB1 .....	128	HB51 .....	190	HB103 .....	108	HB155 .....	115
HB2 .....	38	HB52 .....	190	HB104 .....	97	HB156 .....	24
HB3 .....	206	HB53 .....	71	HB105 .....	97	HB157 .....	25
HB4 .....	205	HB54 .....	55	HB106 .....	212	HB158 .....	44
HB5 .....	77	HB55 .....	135	HB107 .....	154	HB159 .....	146
HB6 .....	106	HB56 .....	99	HB108 .....	44	HB160 .....	113
HB7 .....	139	HB57 .....	83	HB109 .....	128	HB161 .....	100
HB8 .....	78	HB58 .....	133	HB110 .....	179	HB162 .....	56
HB9 .....	97	HB59 .....	119	HB111 .....	141	HB163 .....	187
HB10 .....	142	HB60 .....	186	HB112 .....	72	HB164 .....	83
HB11 .....	191	HB61 .....	11	HB113 .....	50	HB165 .....	187
HB12 .....	55	HB62 .....	24	HB114 .....	22	HB166 .....	83
HB13 .....	99	HB63 .....	173	HB115 .....	22	HB167 .....	84
HB14 .....	212	HB64 .....	51	HB116 .....	31	HB168 .....	142
HB15 .....	173	HB65 .....	40	HB117 .....	142	HB169 .....	128
HB16 .....	133	HB66 .....	90	HB118 .....	41	HB170 .....	53
HB17 .....	166	HB67 .....	99	HB119 .....	141	HB171 .....	28
HB18 .....	138	HB68 .....	100	HB120 .....	179	HB172 .....	142
HB19 .....	76	HB69 .....	151	HB121 .....	179	HB173 .....	27
HB20 .....	22	HB70 .....	68	HB122 .....	214	HB174 .....	135
HB21 .....	179	HB71 .....	83	HB123 .....	107	HB175 .....	40
HB22 .....	173	HB72 .....	135	HB124 .....	107	HB176 .....	68
HB23 .....	173	HB73 .....	146	HB125 .....	107	HB177 .....	34
HB24 .....	212	HB74 .....	72	HB126 .....	128	HB178 .....	146
HB25 .....	53	HB75 .....	150	HB127 .....	173	HB179 .....	11
HB26 .....	99	HB76 .....	83	HB128 .....	56	HB180 .....	56
HB27 .....	115	HB77 .....	11	HB129 .....	48	HB181 .....	126
HB28 .....	179	HB78 .....	146	HB130 .....	40	HB182 .....	173
HB29 .....	211	HB79 .....	92	HB131 .....	78	HB183 .....	212
HB30 .....	211	HB80 .....	173	HB132 .....	11	HB184 .....	126
HB31 .....	133	HB81 .....	199	HB133 .....	11	HB185 .....	3
HB32 .....	99	HB82 .....	100	HB134 .....	44	HB186 .....	173
HB33 .....	179	HB83 .....	11	HB135 .....	92	HB187 .....	84
HB34 .....	146	HB84 .....	72	HB136 .....	112	HB188 .....	72
HB35 .....	154	HB85 .....	179	HB137 .....	112	HB189 .....	151
HB36 .....	78	HB86 .....	199	HB138 .....	41	HB190 .....	126
HB37 .....	146	HB87 .....	114	HB139 .....	11	HB191 .....	84
HB38 .....	24	HB88 .....	97	HB140 .....	146	HB192 .....	44
HB39 .....	52	HB89 .....	55	HB141 .....	11	HB193 .....	123
HB40 .....	171	HB90 .....	141	HB142 .....	72	HB194 .....	72
HB41 .....	125	HB91 .....	154	HB143 .....	25	HB195 .....	204
HB42 .....	77	HB92 .....	179	HB144 .....	11	HB196 .....	78
HB43 .....	55	HB93 .....	83	HB145 .....	3	HB197 .....	29
HB44 .....	203	HB94 .....	56	HB146 .....	33	HB198 .....	68
HB45 .....	108	HB95 .....	173	HB147 .....	34	HB199 .....	44
HB46 .....	78	HB96 .....	66	HB148 .....	173	HB200 .....	112
HB47 .....	78	HB97 .....	126	HB149 .....	56	HB201 .....	128
HB48 .....	71	HB98 .....	142	HB150 .....	111	HB202 .....	117
HB49 .....	116	HB99 .....	146	HB151 .....	112	HB203 .....	199
HB50 .....	146	HB100 .....	100	HB152 .....	115	HB204 .....	112
		HB101 .....	100	HB153 .....	115	HB205 .....	97
		HB102 .....	66	HB154 .....	11	HB206 .....	53

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB207	204	HB259	79	HB311	116	HB363	152
HB208	3	HB260	56	HB312	117	HB364	69
HB209	90	HB261	79	HB313	117	HB365	85
HB210	132	HB262	112	HB314	156	HB366	166
HB211	24	HB263	79	HB315	113	HB367	41
HB212	162	HB264	41	HB316	180	HB368	44
HB213	142	HB265	84	HB317	113	HB369	3
HB214	115	HB266	140	HB318	39	HB370	101
HB215	187	HB267	142	HB319	156	HB371	147
HB216	179	HB268	41	HB320	180	HB372	72
HB217	180	HB269	33	HB321	3	HB373	197
HB218	180	HB270	153	HB322	26	HB374	142
HB219	28	HB271	78	HB323	26	HB375	101
HB220	3	HB272	56	HB324	134	HB376	35
HB221	155	HB273	56	HB325	156	HB377	56
HB222	117	HB274	128	HB326	69	HB378	203
HB223	155	HB275	128	HB327	111	HB379	76
HB224	128	HB276	128	HB328	173	HB380	128
HB225	128	HB277	56	HB329	142	HB381	79
HB226	25	HB278	162	HB330	157	HB382	3
HB227	68	HB279	79	HB331	35	HB383	44
HB228	84	HB280	11	HB332	53	HB384	126
HB229	92	HB281	12	HB333	84	HB385	45
HB230	202	HB282	12	HB334	12	HB386	157
HB231	202	HB283	168	HB335	116	HB387	3
HB232	31	HB284	56	HB336	12	HB388	142
HB233	41	HB285	112	HB337	117	HB389	79
HB234	40	HB286	49	HB338	136	HB390	155
HB235	100	HB287	76	HB339	174	HB391	108
HB236	84	HB288	44	HB340	22	HB392	147
HB237	100	HB289	146	HB341	146	HB393	134
HB238	3	HB290	162	HB342	202	HB394	195
HB239	156	HB291	199	HB343	117	HB395	50
HB240	3	HB292	100	HB344	136	HB396	57
HB241	79	HB293	156	HB345	180	HB397	85
HB242	84	HB294	116	HB346	110	HB398	174
HB243	146	HB295	56	HB347	119	HB399	180
HB244	151	HB296	146	HB348	119	HB400	96
HB245	114	HB297	199	HB349	119	HB401	110
HB246	72	HB298	173	HB350	124	HB402	174
HB247	100	HB299	152	HB351	193	HB403	128
HB248	197	HB300	133	HB352	171	HB404	76
HB249	141	HB301	153	HB353	79	HB405	157
HB250	108	HB302	24	HB354	119	HB406	85
HB251	52	HB303	101	HB355	34	HB407	126
HB252	156	HB304	133	HB356	191	HB408	152
HB253	187	HB305	146	HB357	79	HB409	151
HB254	97	HB306	84	HB358	84	HB410	147
HB255	136	HB307	134	HB359	180	HB411	193
HB256	211	HB308	12	HB360	113	HB412	41
HB257	44	HB309	84	HB361	72	HB413	45
HB258	100	HB310	156	HB362	137	HB414	147

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB415	153	HB467	31	HB519	80	HB571	86
HB416	101	HB468	199	HB520	85	HB572	69
HB417	143	HB469	180	HB521	80	HB573	86
HB418	101	HB470	41	HB522	85	HB574	158
HB419	180	HB471	24	HB523	90	HB575	171
HB420	153	HB472	22	HB524	80	HB576	171
HB421	174	HB473	124	HB525	80	HB577	49
HB422	45	HB474	199	HB526	174	HB578	4
HB423	57	HB475	79	HB527	157	HB579	158
HB424	45	HB476	22	HB528	157	HB580	158
HB425	57	HB477	211	HB529	3	HB581	158
HB426	57	HB478	85	HB530	12	HB582	69
HB427	162	HB479	195	HB531	101	HB583	29
HB428	76	HB480	180	HB532	86	HB584	113
HB429	12	HB481	154	HB533	169	HB585	102
HB430	101	HB482	162	HB534	3	HB586	158
HB431	119	HB483	29	HB535	22	HB587	41
HB432	12	HB484	36	HB536	29	HB588	69
HB433	57	HB485	53	HB537	49	HB589	50
HB434	35	HB486	85	HB538	45	HB590	174
HB435	197	HB487	35	HB539	187	HB591	72
HB436	79	HB488	50	HB540	187	HB592	136
HB437	31	HB489	36	HB541	49	HB593	13
HB438	194	HB490	205	HB542	57	HB594	147
HB439	57	HB491	77	HB543	69	HB595	166
HB440	194	HB492	162	HB544	181	HB596	174
HB441	31	HB493	195	HB545	187	HB597	139
HB442	51	HB494	12	HB546	45	HB598	181
HB443	57	HB495	85	HB547	86	HB599	72
HB444	168	HB496	31	HB548	166	HB600	197
HB445	180	HB497	76	HB549	162	HB601	137
HB446	31	HB498	157	HB550	163	HB602	66
HB447	195	HB499	157	HB551	163	HB603	13
HB448	194	HB500	201	HB552	199	HB604	36
HB449	12	HB501	126	HB553	101	HB605	69
HB450	90	HB502	191	HB554	199	HB606	30
HB451	114	HB503	85	HB555	101	HB607	52
HB452	193	HB504	157	HB556	57	HB608	69
HB453	79	HB505	119	HB557	4	HB609	57
HB454	143	HB506	147	HB558	117	HB610	53
HB455	193	HB507	143	HB559	197	HB611	168
HB456	97	HB508	181	HB560	53	HB612	163
HB457	85	HB509	12	HB561	57	HB613	4
HB458	57	HB510	69	HB562	158	HB614	119
HB459	85	HB511	181	HB563	45	HB615	57
HB460	45	HB512	45	HB564	158	HB616	29
HB461	150	HB513	199	HB565	86	HB617	58
HB462	3	HB514	22	HB566	117	HB618	171
HB463	119	HB515	90	HB567	158	HB619	24
HB464	29	HB516	80	HB568	93	HB620	199
HB465	119	HB517	72	HB569	147	HB621	119
HB466	39	HB518	80	HB570	45	HB622	58

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB623 .....	139	HB675 .....	132	HB727 .....	126	HB779 .....	13
HB624 .....	52	HB676 .....	153	HB728 .....	126	HB780 .....	13
HB625 .....	66	HB677 .....	108	HB729 .....	129	HB781 .....	13
HB626 .....	72	HB678 .....	37	HB730 .....	143	HB782 .....	197
HB627 .....	181	HB679 .....	58	HB731 .....	126	HB783 .....	58
HB628 .....	35	HB680 .....	58	HB732 .....	45	HB784 .....	53
HB629 .....	159	HB681 .....	31	HB733 .....	129	HB785 .....	30
HB630 .....	155	HB682 .....	80	HB734 .....	23	HB786 .....	4
HB631 .....	128	HB683 .....	181	HB735 .....	164	HB787 .....	195
HB632 .....	72	HB684 .....	164	HB736 .....	181	HB788 .....	87
HB633 .....	86	HB685 .....	134	HB737 .....	58	HB789 .....	118
HB634 .....	108	HB686 .....	115	HB738 .....	159	HB790 .....	49
HB635 .....	73	HB687 .....	102	HB739 .....	13	HB791 .....	172
HB636 .....	45	HB688 .....	120	HB740 .....	153	HB792 .....	93
HB637 .....	31	HB689 .....	120	HB741 .....	159	HB793 .....	93
HB638 .....	93	HB690 .....	33	HB742 .....	174	HB794 .....	76
HB639 .....	204	HB691 .....	138	HB743 .....	139	HB795 .....	46
HB640 .....	112	HB692 .....	129	HB744 .....	102	HB796 .....	129
HB641 .....	31	HB693 .....	187	HB745 .....	166	HB797 .....	120
HB642 .....	76	HB694 .....	86	HB746 .....	165	HB798 .....	87
HB643 .....	174	HB695 .....	147	HB747 .....	143	HB799 .....	182
HB644 .....	4	HB696 .....	86	HB748 .....	143	HB800 .....	13
HB645 .....	69	HB697 .....	86	HB749 .....	80	HB801 .....	117
HB646 .....	29	HB698 .....	13	HB750 .....	80	HB802 .....	159
HB647 .....	41	HB699 .....	22	HB751 .....	58	HB803 .....	94
HB648 .....	117	HB700 .....	211	HB752 .....	53	HB804 .....	58
HB649 .....	212	HB701 .....	33	HB753 .....	86	HB805 .....	14
HB650 .....	45	HB702 .....	136	HB754 .....	67	HB806 .....	102
HB651 .....	119	HB703 .....	76	HB755 .....	26	HB807 .....	91
HB652 .....	4	HB704 .....	73	HB756 .....	168	HB808 .....	14
HB653 .....	143	HB705 .....	102	HB757 .....	13	HB809 .....	67
HB654 .....	26	HB706 .....	26	HB758 .....	115	HB810 .....	53
HB655 .....	36	HB707 .....	159	HB759 .....	46	HB811 .....	30
HB656 .....	119	HB708 .....	73	HB760 .....	114	HB812 .....	166
HB657 .....	159	HB709 .....	50	HB761 .....	93	HB813 .....	116
HB658 .....	58	HB710 .....	167	HB762 .....	46	HB814 .....	4
HB659 .....	80	HB711 .....	164	HB763 .....	154	HB815 .....	154
HB660 .....	181	HB712 .....	129	HB764 .....	30	HB816 .....	153
HB661 .....	128	HB713 .....	129	HB765 .....	67	HB817 .....	4
HB662 .....	93	HB714 .....	199	HB766 .....	53	HB818 .....	4
HB663 .....	13	HB715 .....	126	HB767 .....	58	HB819 .....	14
HB664 .....	147	HB716 .....	129	HB768 .....	37	HB820 .....	134
HB665 .....	114	HB717 .....	129	HB769 .....	73	HB821 .....	5
HB666 .....	40	HB718 .....	129	HB770 .....	46	HB822 .....	46
HB667 .....	69	HB719 .....	126	HB771 .....	70	HB823 .....	5
HB668 .....	76	HB720 .....	129	HB772 .....	211	HB824 .....	200
HB669 .....	35	HB721 .....	129	HB773 .....	172	HB825 .....	5
HB670 .....	58	HB722 .....	129	HB774 .....	73	HB826 .....	130
HB671 .....	50	HB723 .....	129	HB775 .....	190	HB827 .....	87
HB672 .....	36	HB724 .....	129	HB776 .....	73	HB828 .....	200
HB673 .....	58	HB725 .....	129	HB777 .....	182	HB829 .....	159
HB674 .....	197	HB726 .....	129	HB778 .....	4	HB830 .....	182

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB831	81	HB883	41	HB935	200	HB987	148
HB832	97	HB884	175	HB936	90	HB988	139
HB833	87	HB885	147	HB937	102	HB989	139
HB834	5	HB886	54	HB938	143	HB990	200
HB835	28	HB887	20	HB939	143	HB991	198
HB836	200	HB888	14	HB940	141	HB992	200
HB837	136	HB889	14	HB941	46	HB993	103
HB838	164	HB890	102	HB942	81	HB994	15
HB839	164	HB891	14	HB943	147	HB995	139
HB840	141	HB892	15	HB944	111	HB996	73
HB841	130	HB893	59	HB945	41	HB997	59
HB842	81	HB894	81	HB946	147	HB998	36
HB843	187	HB895	81	HB947	130	HB999	139
HB844	134	HB896	197	HB948	148	HB1000	59
HB845	58	HB897	150	HB949	130	HB1001	59
HB846	5	HB898	15	HB950	59	HB1002	103
HB847	94	HB899	102	HB951	175	HB1003	103
HB848	14	HB900	164	HB952	182	HB1004	103
HB849	182	HB901	130	HB953	87	HB1005	16
HB850	130	HB902	15	HB954	81	HB1006	77
HB851	134	HB903	23	HB955	40	HB1007	120
HB852	14	HB904	28	HB956	49	HB1008	182
HB853	147	HB905	118	HB957	164	HB1009	77
HB854	35	HB906	33	HB958	24	HB1010	148
HB855	51	HB907	5	HB959	115	HB1011	132
HB856	115	HB908	171	HB960	51	HB1012	91
HB857	14	HB909	163	HB961	91	HB1013	6
HB858	5	HB910	175	HB962	120	HB1014	182
HB859	174	HB911	130	HB963	67	HB1015	91
HB860	115	HB912	126	HB964	163	HB1016	6
HB861	115	HB913	15	HB965	87	HB1017	175
HB862	14	HB914	102	HB966	187	HB1018	182
HB863	94	HB915	147	HB967	87	HB1019	188
HB864	87	HB916	130	HB968	108	HB1020	165
HB865	205	HB917	182	HB969	188	HB1021	124
HB866	120	HB918	40	HB970	120	HB1022	94
HB867	14	HB919	41	HB971	15	HB1023	27
HB868	14	HB920	197	HB972	182	HB1024	73
HB869	143	HB921	141	HB973	169	HB1025	60
HB870	134	HB922	67	HB974	108	HB1026	198
HB871	108	HB923	59	HB975	24	HB1027	103
HB872	174	HB924	70	HB976	39	HB1028	200
HB873	87	HB925	87	HB977	195	HB1029	87
HB874	108	HB926	94	HB978	137	HB1030	98
HB875	70	HB927	59	HB979	59	HB1031	155
HB876	94	HB928	133	HB980	59	HB1032	143
HB877	187	HB929	15	HB981	59	HB1033	103
HB878	33	HB930	5	HB982	59	HB1034	182
HB879	26	HB931	102	HB983	59	HB1035	188
HB880	187	HB932	73	HB984	136	HB1036	94
HB881	201	HB933	87	HB985	15	HB1037	103
HB882	51	HB934	73	HB986	116	HB1038	148

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB1039	46	HB1091	166	HB1143	36	HB1195	61
HB1040	103	HB1092	16	HB1144	183	HB1196	67
HB1041	60	HB1093	176	HB1145	98	HB1197	61
HB1042	150	HB1094	23	HB1146	42	HB1198	183
HB1043	148	HB1095	189	HB1147	176	HB1199	61
HB1044	159	HB1096	6	HB1148	74	HB1200	61
HB1045	60	HB1097	16	HB1149	70	HB1201	61
HB1046	138	HB1098	150	HB1150	138	HB1202	16
HB1047	46	HB1099	94	HB1151	88	HB1203	176
HB1048	16	HB1100	183	HB1152	176	HB1204	121
HB1049	163	HB1101	35	HB1153	52	HB1205	121
HB1050	182	HB1102	35	HB1154	74	HB1206	94
HB1051	141	HB1103	91	HB1155	24	HB1207	198
HB1052	141	HB1104	49	HB1156	74	HB1208	130
HB1053	168	HB1105	52	HB1157	60	HB1209	165
HB1054	27	HB1106	60	HB1158	74	HB1210	189
HB1055	200	HB1107	60	HB1159	36	HB1211	23
HB1056	50	HB1108	6	HB1160	70	HB1212	196
HB1057	52	HB1109	60	HB1161	38	HB1213	50
HB1058	159	HB1110	29	HB1162	196	HB1214	213
HB1059	70	HB1111	126	HB1163	54	HB1215	16
HB1060	143	HB1112	30	HB1164	46	HB1216	104
HB1061	88	HB1113	124	HB1165	88	HB1217	46
HB1062	91	HB1114	212	HB1166	6	HB1218	16
HB1063	211	HB1115	113	HB1167	61	HB1219	88
HB1064	6	HB1116	52	HB1168	74	HB1220	168
HB1065	197	HB1117	31	HB1169	142	HB1221	148
HB1066	38	HB1118	169	HB1170	176	HB1222	95
HB1067	212	HB1119	148	HB1171	155	HB1223	98
HB1068	190	HB1120	193	HB1172	193	HB1224	176
HB1069	143	HB1121	106	HB1173	148	HB1225	136
HB1070	148	HB1122	127	HB1174	170	HB1226	54
HB1071	148	HB1123	191	HB1175	141	HB1227	40
HB1072	152	HB1124	109	HB1176	94	HB1228	159
HB1073	73	HB1125	51	HB1177	36	HB1229	144
HB1074	60	HB1126	35	HB1178	132	HB1230	91
HB1075	109	HB1127	38	HB1179	193	HB1231	23
HB1076	139	HB1128	32	HB1180	170	HB1232	144
HB1077	159	HB1129	200	HB1181	104	HB1233	67
HB1078	49	HB1130	34	HB1182	42	HB1234	81
HB1079	24	HB1131	88	HB1183	104	HB1235	196
HB1080	124	HB1132	88	HB1184	200	HB1236	130
HB1081	27	HB1133	140	HB1185	148	HB1237	127
HB1082	148	HB1134	60	HB1186	88	HB1238	6
HB1083	120	HB1135	6	HB1187	183	HB1239	137
HB1084	60	HB1136	212	HB1188	98	HB1240	16
HB1085	196	HB1137	169	HB1189	54	HB1241	51
HB1086	121	HB1138	60	HB1190	144	HB1242	132
HB1087	54	HB1139	113	HB1191	176	HB1243	130
HB1088	73	HB1140	46	HB1192	183	HB1244	130
HB1089	189	HB1141	33	HB1193	38	HB1245	151
HB1090	211	HB1142	113	HB1194	176	HB1246	36

## Index of House Bills

[illegible]



# Index of House Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
HJ157 .....	214						
HJ159 .....	216						
HJ160 .....	214						
HJ161 .....	216						
HJ169 .....	209						
HJ171 .....	210						
HJ177 .....	209						
HJ181 .....	209						
HJ197 .....	209						
HJ205 .....	207						
HJ245 .....	209						
HJ336 .....	209						
HJ347 .....	209						
HJ425 .....	209						

## House Resolutions

HR19 .....	210
HR141 .....	211

# Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
<b>Senate Bills</b>							
SB1 .....	23	SB51 .....	151	SB103 .....	213	SB155 .....	184
SB2 .....	203	SB52 .....	96	SB104 .....	62	SB156 .....	62
SB3 .....	133	SB53 .....	67	SB105 .....	189	SB157 .....	189
SB4 .....	155	SB54 .....	109	SB106 .....	104	SB158 .....	74
SB5 .....	152	SB55 .....	47	SB107 .....	127	SB159 .....	74
SB6 .....	25	SB56 .....	47	SB108 .....	74	SB160 .....	177
SB7 .....	50	SB57 .....	50	SB109 .....	107	SB161 .....	184
SB8 .....	109	SB58 .....	177	SB110 .....	33	SB162 .....	118
SB9 .....	23	SB59 .....	104	SB111 .....	33	SB163 .....	145
SB10 .....	78	SB60 .....	212	SB112 .....	131	SB164 .....	109
SB11 .....	37	SB61 .....	211	SB113 .....	131	SB165 .....	109
SB12 .....	17	SB62 .....	104	SB114 .....	184	SB166 .....	109
SB13 .....	116	SB63 .....	52	SB115 .....	177	SB167 .....	109
SB14 .....	116	SB64 .....	177	SB116 .....	17	SB168 .....	152
SB15 .....	49	SB65 .....	152	SB117 .....	144	SB169 .....	7
SB16 .....	149	SB66 .....	67	SB118 .....	196	SB170 .....	32
SB17 .....	96	SB67 .....	133	SB119 .....	21	SB171 .....	136
SB18 .....	25	SB68 .....	104	SB120 .....	144	SB172 .....	34
SB19 .....	121	SB69 .....	106	SB121 .....	131	SB173 .....	77
SB20 .....	125	SB70 .....	77	SB122 .....	213	SB174 .....	62
SB21 .....	38	SB71 .....	77	SB123 .....	25	SB175 .....	62
SB22 .....	74	SB72 .....	52	SB124 .....	154	SB176 .....	145
SB23 .....	61	SB73 .....	163	SB125 .....	32	SB177 .....	62
SB24 .....	17	SB74 .....	149	SB126 .....	26	SB178 .....	68
SB25 .....	144	SB75 .....	33	SB127 .....	202	SB179 .....	8
SB26 .....	67	SB76 .....	33	SB128 .....	32	SB180 .....	62
SB27 .....	32	SB77 .....	51	SB129 .....	140	SB181 .....	202
SB28 .....	95	SB78 .....	42	SB130 .....	62	SB182 .....	177
SB29 .....	212	SB79 .....	42	SB131 .....	62	SB183 .....	136
SB30 .....	212	SB80 .....	47	SB132 .....	62	SB184 .....	62
SB31 .....	104	SB81 .....	37	SB133 .....	32	SB185 .....	63
SB32 .....	192	SB82 .....	155	SB134 .....	47	SB186 .....	63
SB33 .....	192	SB83 .....	92	SB135 .....	38	SB187 .....	68
SB34 .....	184	SB84 .....	104	SB136 .....	168	SB188 .....	104
SB35 .....	150	SB85 .....	168	SB137 .....	98	SB189 .....	109
SB36 .....	154	SB86 .....	62	SB138 .....	47	SB190 .....	98
SB37 .....	113	SB87 .....	52	SB139 .....	172	SB191 .....	104
SB38 .....	7	SB88 .....	140	SB140 .....	172	SB192 .....	135
SB39 .....	27	SB89 .....	98	SB141 .....	149	SB193 .....	135
SB40 .....	77	SB90 .....	32	SB142 .....	189	SB194 .....	76
SB41 .....	172	SB91 .....	144	SB143 .....	104	SB195 .....	149
SB42 .....	61	SB92 .....	204	SB144 .....	62	SB196 .....	185
SB43 .....	98	SB93 .....	38	SB145 .....	77	SB197 .....	132
SB44 .....	176	SB94 .....	74	SB146 .....	52	SB198 .....	54
SB45 .....	149	SB95 .....	33	SB147 .....	51	SB199 .....	75
SB46 .....	127	SB96 .....	62	SB148 .....	170	SB200 .....	189
SB47 .....	131	SB97 .....	62	SB149 .....	21	SB201 .....	160
SB48 .....	62	SB98 .....	112	SB150 .....	7	SB202 .....	17
SB49 .....	54	SB99 .....	177	SB151 .....	184	SB203 .....	90
SB50 .....	155	SB100 .....	68	SB152 .....	113	SB204 .....	165
		SB101 .....	76	SB153 .....	47	SB205 .....	190
		SB102 .....	112	SB154 .....	26	SB206 .....	8

# Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
SB207	8	SB259	63	SB311	167	SB363	145
SB208	111	SB260	63	SB312	75	SB364	9
SB209	135	SB261	63	SB313	92	SB365	132
SB210	191	SB262	163	SB314	194	SB366	178
SB211	82	SB263	63	SB315	98	SB367	113
SB212	160	SB264	160	SB316	98	SB368	82
SB213	17	SB265	160	SB317	68	SB369	118
SB214	63	SB266	42	SB318	75	SB370	89
SB215	138	SB267	122	SB319	18	SB371	48
SB216	155	SB268	23	SB320	105	SB372	178
SB217	63	SB269	201	SB321	89	SB373	28
SB218	185	SB270	154	SB322	155	SB374	108
SB219	112	SB271	152	SB323	55	SB375	145
SB220	63	SB272	34	SB324	140	SB376	75
SB221	140	SB273	63	SB325	177	SB377	165
SB222	104	SB274	140	SB326	185	SB378	37
SB223	75	SB275	88	SB327	64	SB379	150
SB224	88	SB276	201	SB328	161	SB380	68
SB225	114	SB277	127	SB329	43	SB381	99
SB226	63	SB278	198	SB330	96	SB382	99
SB227	39	SB279	88	SB331	136	SB383	137
SB228	39	SB280	213	SB332	137	SB384	18
SB229	8	SB281	213	SB333	122	SB385	201
SB230	177	SB282	38	SB334	149	SB386	34
SB231	132	SB283	113	SB335	18	SB387	149
SB232	212	SB284	111	SB336	82	SB388	191
SB233	118	SB285	70	SB337	8	SB389	43
SB234	131	SB286	145	SB338	92	SB390	149
SB235	63	SB287	160	SB339	55	SB391	64
SB236	21	SB288	8	SB340	89	SB392	32
SB237	165	SB289	185	SB341	75	SB393	75
SB238	167	SB290	167	SB342	71	SB394	125
SB239	204	SB291	70	SB343	64	SB395	169
SB240	32	SB292	194	SB344	113	SB396	64
SB241	32	SB293	141	SB345	205	SB397	112
SB242	18	SB294	8	SB346	198	SB398	122
SB243	37	SB295	149	SB347	51	SB399	161
SB244	185	SB296	71	SB348	23	SB400	185
SB245	92	SB297	38	SB349	113	SB401	125
SB246	82	SB298	112	SB350	154	SB402	96
SB247	75	SB299	145	SB351	8	SB403	194
SB248	160	SB300	64	SB352	116	SB404	122
SB249	198	SB301	75	SB353	152	SB405	131
SB250	82	SB302	64	SB354	71	SB406	110
SB251	48	SB303	105	SB355	52	SB407	43
SB252	38	SB304	116	SB356	23	SB408	165
SB253	198	SB305	161	SB357	64	SB409	64
SB254	112	SB306	77	SB358	71	SB410	28
SB255	132	SB307	111	SB359	18	SB411	64
SB256	75	SB308	98	SB360	82	SB412	201
SB257	131	SB309	43	SB361	43	SB413	127
SB258	131	SB310	64	SB362	8	SB414	43

# Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
SB415	77	SB467	198	SB519	105	SB571	193
SB416	166	SB468	44	SB520	65	SB572	150
SB417	198	SB469	48	SB521	76	SB573	82
SB418	9	SB470	185	SB522	150	SB574	99
SB419	202	SB471	131	SB523	38	SB575	96
SB420	99	SB472	131	SB524	205	SB576	92
SB421	75	SB473	149	SB525	89	SB577	34
SB422	185	SB474	205	SB526	151	SB578	27
SB423	71	SB475	142	SB527	44	SB579	27
SB424	35	SB476	127	SB528	97	SB580	178
SB425	92	SB477	185	SB529	111	SB581	196
SB426	18	SB478	107	SB530	49	SB582	108
SB427	82	SB479	55	SB531	19	SB583	109
SB428	90	SB480	161	SB532	186	SB584	65
SB429	21	SB481	48	SB533	189	SB585	122
SB430	64	SB482	39	SB534	34	SB586	21
SB431	131	SB483	140	SB535	30	SB587	89
SB432	51	SB484	196	SB536	26	SB588	207
SB433	201	SB485	64	SB537	39	SB589	178
SB434	145	SB486	189	SB538	82	SB590	52
SB435	201	SB487	125	SB539	19	SB591	151
SB436	201	SB488	28	SB540	89	SB592	118
SB437	9	SB489	28	SB541	95	SB593	105
SB438	92	SB490	105	SB542	44	SB594	122
SB439	106	SB491	161	SB543	107	SB595	118
SB440	95	SB492	18	SB544	55	SB596	122
SB441	89	SB493	9	SB545	178	SB597	178
SB442	138	SB494	9	SB546	68	SB598	195
SB443	194	SB495	105	SB547	48	SB599	22
SB444	178	SB496	52	SB548	89	SB600	114
SB445	178	SB497	18	SB549	44	SB601	202
SB446	205	SB498	89	SB550	125	SB602	19
SB447	21	SB499	185	SB551	161	SB603	105
SB448	127	SB500	18	SB552	19	SB604	110
SB449	9	SB501	95	SB553	118	SB605	150
SB450	37	SB502	9	SB554	89	SB606	78
SB451	213	SB503	95	SB555	145	SB607	138
SB452	92	SB504	185	SB556	29	SB608	153
SB453	161	SB505	90	SB557	38	SB609	96
SB454	50	SB506	185	SB558	197	SB610	55
SB455	118	SB507	203	SB559	19	SB611	32
SB456	37	SB508	186	SB560	167	SB612	82
SB457	71	SB509	51	SB561	125	SB613	65
SB458	89	SB510	34	SB562	135	SB614	170
SB459	9	SB511	65	SB563	178	SB615	191
SB460	99	SB512	186	SB564	82	SB616	65
SB461	122	SB513	161	SB565	205	SB617	152
SB462	152	SB514	131	SB566	71	SB618	189
SB463	161	SB515	127	SB567	29	SB619	38
SB464	145	SB516	131	SB568	30	SB620	125
SB465	127	SB517	9	SB569	27	SB621	191
SB466	203	SB518	19	SB570	186	SB622	96

# Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
SB623 .....	110	SB675 .....	19	SB727 .....	10	SB779 .....	172
SB624 .....	39	SB676 .....	19	SB728 .....	32	SB780 .....	83
SB625 .....	195	SB677 .....	65	SB729 .....	66	SB781 .....	154
SB626 .....	55	SB678 .....	19	SB730 .....	66		
SB627 .....	138	SB679 .....	10	SB731 .....	211		
SB628 .....	65	SB680 .....	115	SB732 .....	198		
SB629 .....	48	SB681 .....	48	SB733 .....	190		
SB630 .....	150	SB682 .....	131	SB734 .....	83		
SB631 .....	204	SB683 .....	31	SB735 .....	48		
SB632 .....	203	SB684 .....	170	SB736 .....	110		
SB633 .....	192	SB685 .....	186	SB737 .....	20		
SB634 .....	10	SB686 .....	105	SB738 .....	20		
SB635 .....	201	SB687 .....	166	SB739 .....	163		
SB636 .....	96	SB688 .....	40	SB740 .....	89		
SB637 .....	19	SB689 .....	164	SB741 .....	190		
SB638 .....	192	SB690 .....	179	SB742 .....	190		
SB639 .....	137	SB691 .....	24	SB743 .....	142		
SB640 .....	135	SB692 .....	10	SB744 .....	171		
SB641 .....	122	SB693 .....	196	SB745 .....	169		
SB642 .....	44	SB694 .....	65	SB746 .....	33		
SB643 .....	111	SB695 .....	27	SB747 .....	20		
SB644 .....	68	SB696 .....	138	SB748 .....	169		
SB645 .....	10	SB697 .....	150	SB749 .....	186		
SB646 .....	191	SB698 .....	39	SB750 .....	10		
SB647 .....	170	SB699 .....	65	SB751 .....	167		
SB648 .....	65	SB700 .....	131	SB752 .....	138		
SB649 .....	212	SB701 .....	161	SB753 .....	25		
SB650 .....	107	SB702 .....	189	SB754 .....	212		
SB651 .....	24	SB703 .....	151	SB755 .....	66		
SB652 .....	10	SB704 .....	35	SB756 .....	186		
SB653 .....	213	SB705 .....	48	SB757 .....	190		
SB654 .....	65	SB706 .....	19	SB758 .....	27		
SB655 .....	65	SB707 .....	71	SB759 .....	90		
SB656 .....	37	SB708 .....	20	SB760 .....	66		
SB657 .....	19	SB709 .....	145	SB761 .....	171		
SB658 .....	145	SB710 .....	127	SB762 .....	151		
SB659 .....	89	SB711 .....	116	SB763 .....	90		
SB660 .....	89	SB712 .....	162	SB764 .....	66		
SB661 .....	186	SB713 .....	65	SB765 .....	128		
SB662 .....	19	SB714 .....	27	SB766 .....	105		
SB663 .....	150	SB715 .....	162	SB767 .....	99		
SB664 .....	99	SB716 .....	66	SB768 .....	150		
SB665 .....	83	SB717 .....	25	SB769 .....	44		
SB666 .....	145	SB718 .....	186	SB770 .....	106		
SB667 .....	116	SB719 .....	146	SB771 .....	201		
SB668 .....	140	SB720 .....	48	SB772 .....	106		
SB669 .....	132	SB721 .....	75	SB773 .....	123		
SB670 .....	178	SB722 .....	186	SB774 .....	119		
SB671 .....	125	SB723 .....	107	SB775 .....	123		
SB672 .....	105	SB724 .....	155	SB776 .....	83		
SB673 .....	195	SB725 .....	170	SB777 .....	123		
SB674 .....	213	SB726 .....	196	SB778 .....	150		

## Senate Joint Resolutions

SJ1 .....	210
SJ2 .....	207
SJ4 .....	207
SJ6 .....	207
SJ7 .....	207
SJ9 .....	207
SJ11 .....	210
SJ12 .....	208
SJ27 .....	209
SJ32 .....	208
SJ34 .....	208
SJ35 .....	209
SJ37 .....	210
SJ38 .....	216
SJ40 .....	210
SJ42 .....	210
SJ47 .....	208
SJ48 .....	209
SJ49 .....	209
SJ50 .....	208
SJ51 .....	216
SJ57 .....	216
SJ58 .....	214
SJ59 .....	217
SJ60 .....	208
SJ61 .....	209
SJ63 .....	214
SJ68 .....	208
SJ70 .....	206
SJ71 .....	217
SJ73 .....	217
SJ75 .....	217
SJ79 .....	208
SJ80 .....	214
SJ81 .....	218
SJ83 .....	217
SJ84 .....	218
SJ85 .....	214
SJ86 .....	218
SJ87 .....	217
SJ88 .....	214
SJ89 .....	217
SJ93 .....	207
SJ94 .....	210
SJ95 .....	217

## Index of Senate Bills

<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>	<u>Bill Number</u>	<u>Page</u>
SJ96 .....	217						
SJ97 .....	214						
SJ101 .....	209						
SJ102 .....	209						
SJ107 .....	210						
SJ113 .....	208						
SJ120 .....	208						
SJ129 .....	209						

