

# **Virginia General Assembly**

## **2018 Session Summary**



**Virginia Division of Legislative Services**



# **Virginia General Assembly**

## **2018 Session Summary**



**Virginia Division of Legislative Services**

# **Published by the Division of Legislative Services**

Mark Vucci, Director

The summaries in this publication were prepared by the attorneys and research associates of the Division of Legislative Services.

## **Business and Jurisprudence Section**

David Cotter, Senior Attorney  
Shannon C. Heard, Legal Associate  
Franklin Munyan, Senior Attorney

Brittany Olwine, Attorney  
Charles Quagliato, Senior Attorney  
Kristen Walsh, Senior Attorney

## **Finance and Government Section**

Amigo R. Wade, Section Manager  
Lisa Wallmeyer, Assistant Section Manager  
Chad Ayers, Attorney  
David Barry, Attorney  
Brooks Braun, Attorney  
Emma Buck, Attorney

Jessica L. Budd, Attorney  
Connor Garstka, Attorney  
Scott Meacham, Senior Attorney  
Chrissy Noonan, Attorney  
David Rosenberg, Senior Attorney  
Jeffrey Sharp, Senior Attorney

## **Rules, Education, Elections, and Special Projects Section**

R. J. (Jack) Austin, Section Manager  
Sarah Stanton, Assistant Section Manager  
Ryan Brimmer, Attorney  
Ginny Edwards, Director, Legislative Reference  
Center

Andrew Kubincanek, Research Associate  
Meg Lamb, Attorney  
David May, Attorney  
Sarah Stanton, Senior Attorney  
Thomas Stevens, Attorney

The Virginia Division of Legislative Services acknowledges with gratitude the contributions of Andrew Kubincanek to the preparation of this volume. Thanks also to DLS staff members Brenda Dickerson, Gwen Foley, Iris Fuentes, Darlene Jordan, Lilli Hausenfluck, Noël King, and Viqi Wagner for staff support and editing. Thanks to DLAS staff members Larry Garton and Barbara Timberlake, who contributed important technical expertise.

# Contents

Introduction. . . . .	1
-----------------------	---

## **Bills by Subject**

Administration of Government. . . . .	3
Agriculture, Animal Care, and Food. . . . .	21
Alcoholic Beverage Control Act. . . . .	25
Aviation. . . . .	29
Behavioral Health and Developmental Services. . . . .	29
Civil Remedies and Procedure . . . . .	33
Commonwealth Public Safety. . . . .	37
Conservation . . . . .	39
Contracts . . . . .	42
Corporations . . . . .	43
Counties, Cities and Towns . . . . .	43
Courts Not of Record . . . . .	54
Courts of Record. . . . .	57
Crimes and Offenses Generally . . . . .	59
Criminal Procedure. . . . .	76
Domestic Relations. . . . .	85
Education . . . . .	88
Elections . . . . .	103
Eminent Domain. . . . .	116
Financial Institutions and Services . . . . .	117
Fire Protection. . . . .	119
Fisheries and Habitat of the Tidal Waters. . . . .	120
Game, Inland Fisheries and Boating. . . . .	121
General Assembly. . . . .	123
General Provisions . . . . .	126
Health . . . . .	127
Highways and Other Surface Transportation Systems . . . . .	138
Homestead and Other Exemptions . . . . .	143
Hotels, Restaurants, Summer Camps, and Campgrounds. . . . .	143
Housing. . . . .	143
Institutions of Higher Education; Other Educational and Cultural Institutions . . . . .	146
Insurance. . . . .	154
Juvenile Justice . . . . .	161
Labor and Employment. . . . .	161
Libraries . . . . .	165
Mechanics' and Certain Other Liens. . . . .	165
Military and Emergency Laws . . . . .	165
Mines and Mining. . . . .	166
Motor Vehicles . . . . .	166
Notaries and Out-of-State Commissioners . . . . .	177
Nuisances . . . . .	177
Pensions, Benefits, and Retirement . . . . .	177
Persons with Disabilities. . . . .	178

# Contents

Police (State) . . . . .	178
Prisons and Other Methods of Correction . . . . .	179
Professions and Occupations . . . . .	180
Property and Conveyances . . . . .	191
Public Service Companies . . . . .	195
Religious and Charitable Matters; Cemeteries . . . . .	206
State Corporation Commission . . . . .	206
Taxation . . . . .	207
Trade and Commerce . . . . .	220
Unemployment Compensation . . . . .	223
Waters of the State, Ports and Harbors . . . . .	223
Welfare (Social Services) . . . . .	228
Wills, Trusts, and Fiduciaries . . . . .	234
Workers' Compensation . . . . .	235
 <b>Miscellaneous Bills and Resolutions</b>	
Constitutional Amendments . . . . .	237
Other Resolutions . . . . .	241
Budgets, Bonds, and Claims . . . . .	243
Charters . . . . .	245
Study Resolutions . . . . .	246
 Appendix A: Session Statistics . . . . .	
Appendix B: Session Highlights . . . . .	253
Appendix B: Session Highlights . . . . .	255
 Index of House Bills . . . . .	
Index of Senate Bills . . . . .	267
Index of Senate Bills . . . . .	276

# Introduction

This publication presents a summary of legislation considered by the Virginia General Assembly at its 2018 Regular Session through adjournment sine die on **March 10, 2018**. 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. Bills that have been vetoed by the Governor or that have received Governor's recommendations and may be acted upon by the General Assembly at the Reconvened Session on April 18, 2018, include such notation accordingly. 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. If a summary indicates that a bill must be reenacted by the 2019 Session of the General Assembly, its provisions will not become effective on July 1, 2018, unless the bill is amended at the Reconvened Session to remove that requirement.

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

**[HB1] Scholastic records; disclosure of directory information.** Clarifies that student directory information may be publicly disclosed by a school if the school has given notice to the parent or eligible student of (i) the types of information that the school has designated as directory information; (ii) the right of the parent or eligible student to refuse the designation of any or all of the types of information about the student as directory information; and (iii) the period of time within which a parent or eligible student must notify the school in writing that he does not want any or all of the types of information about the student designated as directory information. The bill also provides, however, that no school shall disclose the address, phone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) or the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless the parent or eligible student has affirmatively consented in writing to such disclosure.

*Patron - Wilt*

**[HB97] Virginia Public Procurement Act; methods of procurement; single or term contracts for professional services.** Increases the maximum permissible aggregate or sum of all phases of single or term contracts for professional services that may be procured without requiring competitive negotiation from \$60,000 to \$80,000. The bill also increases the maximum sum of architectural or professional engineering services contracts performed in a one-year contract term from \$500,000 to \$750,000.

*Patron - Bell, John J.*

**[HB212] State and Local Government Conflict of Interests Act; school boards and school board employees.** Allows any school district to invoke the current exemption from the prohibition against hiring, under certain circumstances, a school district employee who is related to a member of the school board. Current law limits use of the exemption to only those school districts located in Planning Districts 3, 4, 11, 12, 13, and 17. This bill is identical to SB 124.

*Patron - Wright*

**[HB237] One-stop small business permitting program.** Extends the date by which the State Corporation Commission and the Department of Small Business and Supplier Diversity are required to complete aspects of the one-stop small business permitting program from June 30, 2018, to January 1, 2020. The measure also (i) deletes a provision regarding the implementation of a hyperlink from the SCC's eFile system to the Business Permitting Center, (ii) amends the description of the processes to be established for the electronic collection and exchange of data or information, and (iii) deletes requirements for biannual progress reports.

*Patron - Kilgore*

**[HB297] Administrative Process Act; guidance documents.** Exempts guidance documents, defined in the bill, from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.), provided that the agency that developed the guidance document certifies that the document conforms to the definition of a guidance document. Each guidance document is then subject to a 30-day public comment period through the Virginia Regulatory Town Hall website, after publication in the Virginia Register of Regulations and prior to final publication by the agency. If a comment received during the public comment period asserts that the guidance document is contrary to state law or regulation or that it should not be exempt, the adoption of the guidance document shall be delayed an additional 30 days, during which time the agency shall address the comments and provide a response in writing. The bill also provides that guidance documents do not include agency (i) rul-

ings and advisory opinions, (ii) forms and instructions, (iii) bulletins and legislative summaries, (iv) studies and reports, and (v) internal manuals and memoranda. This bill received Governor's recommendations.

*Patron - Bulova*

**[HB339] Virginia Debt Collection Act; public institutions of higher education.** Requires a public institution of higher education to provide a debtor who is currently enrolled in such institution the option to pay his debt in periodic payments over the course of the term or semester in which the account became past due or, at the discretion of such institution, over a longer period, provided that such periodic payments are promptly paid until the account is satisfied.

*Patron - Simon*

**[HB345] Special Assistant to the Governor for Coastal Adaptation and Protection.** Creates the executive branch position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Assistant). The bill provides that the Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. The bill directs the Assistant to initiate and assist with economic development opportunities associated with adaptation, to advance academic expertise at the Commonwealth Center for Recurrent Flooding and Resiliency, and to pursue federal, state, and local funding opportunities for adaptation initiatives. This bill is identical to SB 265.

*Patron - Stolle*

**[HB375] Prohibit 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, 2019, or the renewal or future rebids of services thereof. The bill provides that 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. This bill was vetoed by the Governor.

*Patron - Davis*

**[HB376] Secure and Resilient Commonwealth Panel; membership.** Changes the appointing authorities for the members of the Secure and Resilient Commonwealth Panel who are selected from the Subcommittees on Public Safety of both houses from the subcommittees themselves to the Speaker of the House for the House subcommittee and the Senate Committee on Rules for the Senate subcommittee. The bill increases the membership of the Panel by adding an additional delegate appointed by the Speaker and an additional senator appointed by the Senate Committee on Rules. The option of appointing committee staff to the Panel is removed. This bill received Governor's recommendations.

*Patron - Davis*

**[HB398] Virginia Public Procurement Act; bid, performance, and payment bonds; waiver by localities; sunset.** Adds a sunset date of July 1, 2021, to the provisions (i) authorizing a locality, where the bid, performance, and payment bond requirements are waived, to waive the requirement for prequalification for a bidder or contractor with a current Class A contractor license for nontransportation-related construction contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance by the local governing body that waiving the requirement is in the best interests of the

locality and (ii) prohibiting localities from entering into more than 10 such contracts per year.

*Patron - Davis*

**HB543 Department of General Services; lease of surplus property.** Permits the Department of General Services to allow charitable organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code that provide addiction recovery services to lease or sublease at cost surplus property or space within a building owned by the Commonwealth or any space leased by the Commonwealth in excess of current and reasonably anticipated needs, provided such use is deemed appropriate. This bill received Governor's recommendations.

*Patron - Freitas*

**HB574 Virginia Public Procurement Act; cooperative procurement; stream restoration and stormwater management.** Excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. This bill is identical to SB 688.

*Patron - Hodges*

**HB698 Department of General Services; conveyances of right-of-way usage to certain nonpublic service companies by the Department of Transportation.** Allows the Virginia Department of Transportation (Department) to issue land use permits to the owner of a private residence or business for water and sewer service to cross the Department's right-of-way when no viable alternative exists to provide potable water or to transfer sewer effluent to a qualified drain field as long as the utilities are marked in accord with requirements established by the Department. Currently, the Department may issue land use permits only to a public service company, a company owning or operating an interstate natural gas pipeline, a franchised cable television systems operator, a company that has registered as an operator and has provided proper notification, or a person providing utility service solely for his own agricultural or residential use when the utilities are located on the property owned by the person.

*Patron - Poindexter*

**HB727 Virginia Freedom of Information Act; exclusion of records relating to public safety.** Clarifies the exclusion from mandatory disclosure under the Virginia Freedom of Information Act (FOIA) of information that would disclose the security aspects of a system safety program plan adopted pursuant to Federal Transit Administration regulations governing the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency. Current law excludes information that would disclose the security aspects of such system safety program plan by providing a specific citation to the Code of Federal Regulations.

*Patron - Delaney*

**HB753 Administrative Process Act; exemption for certain regulations of the Board of Accountancy.** Exempts from the public participation provisions of the Administrative Process Act regulations of the Board of Accountancy that are limited to reducing fees charged to regulants and applicants. This bill is identical to SB 279.

*Patron - Leftwich*

**HB760 Virginia Public Procurement Act; exemption for Virginia-grown food products; required documentation.** Requires a public body to accomplish procurement by obtaining written informal solicitation of a minimum of three bidders or offerors if practicable and including a written statement regarding the basis for awarding the contract when purchasing Virginia-grown food products under the current exemption from the Virginia Public Procurement Act for the purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000.

*Patron - Landes*

**HB763 Revenue Reserve Fund created.** Creates the Revenue Reserve Fund to be used to offset shortfalls in the budget of two percent or less of general fund resources collected. This bill received Governor's recommendations.

*Patron - Jones, S.C.*

**HB770 Virginia Economic Development Partnership Authority.** Clarifies (i) that the members of the Virginia Economic Development Partnership (VEDP) Authority appointed by the Governor and the Joint Rules Committee are voting members of the Authority and (ii) the authority of VEDP to direct the Attorney General to enforce contracts related to the award of economic incentives. The bill adds a member of the VEDP Authority, to be appointed by the chairman, to each of the Committee on Business Development and Marketing and the Committee on International Trade and clarifies that these committees are advisory in nature. The bill also extends to the Joint Legislative Audit and Review Commission (JLARC) the existing closed meeting exemption for discussion of portions of the VEDP strategic, marketing, and operational plans that are exempt from public disclosure. Current law requires that VEDP report on these plans to the JLARC subcommittee on economic development but does not provide an exemption for discussion of the portions of those plans not subject to public disclosure. This bill received Governor's recommendations.

*Patron - Jones, S.C.*

**HB883 Department of Planning and Budget; regulatory reduction pilot program; report.** Directs the Department of Planning and Budget (the Department), under the supervision of the Secretary of Finance (the Secretary), to administer a three-year regulatory reduction pilot program aimed at reducing by 25 percent the regulations and regulatory requirements, as defined in the bill, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021. The bill requires the Secretary to report annually to the Speaker of the House and the Chairman of the Senate Rules Committee no later than October 1, 2019, and October 1, 2020, on the progress of the regulatory reduction pilot program. The bill also requires the Secretary to report by August 15, 2021, to the Speaker of the House and the Chairman of the Senate Rules Committee (i) the progress toward identifying the 25 percent reduction goal, (ii) recommendations for expanding the program to other agencies, and (iii) any additional information the Secretary determines may be helpful to support the General Assembly's regulatory reduction and reform efforts. The bill provides that if, by October 1, 2021, the program has achieved less than a 25 percent total reduction in regulations and regulatory requirements across both pilot agencies, the Secretary shall report on the feasibility and effectiveness of implementing a 2-for-1 regulatory budget providing that for every one new regulatory requirement, two existing regulatory requirements of equivalent or greater burden must be streamlined, repealed, or replaced for a period not to exceed three years. Lastly, the bill directs all executive branch agencies subject to the Administrative Process Act (§ 2.2-4000 et seq.) to develop a baseline regulatory catalog and report such catalog data to the Department, which shall then track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years. This bill is identical to SB 20.

*Patron - Webert*

**HB905 Virginia Public Procurement Act; designation of trade secrets and proprietary information.** Provides that a bidder, offeror, or contractor shall not improperly designate as trade secrets or proprietary information (i) an entire bid, proposal, or prequalification application; (ii) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information; or (iii) line item prices or total bid, proposal, or prequalification application prices. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Robinson*

**HB906 Virginia Freedom of Information Act; definition of electronic communication.** Clarifies the definition of electronic communication in the Virginia Freedom of Information Act by amending it to mean the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information. This bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Robinson*

**HB907 Virginia Freedom of Information Act; meetings held by electronic communication means.** Consolidates existing provisions concerning public meetings conducted by electronic communication means. The bill contains technical amendments. This bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Robinson*

**HB908 Virginia Freedom of Information Act; meetings held by electronic communication means.** Removes the Freedom of Information Act requirement that the remote locations from which members of a public body participate in meetings through electronic communication means be open to the public. Instead, members of the public must be provided an electronic communication means substantially equivalent to that provided to members of the public body through which the public may witness the meeting. The bill provides that public access to remote locations from which members of the public body participate through electronic communication means shall be encouraged but not required; however, if three or more members are gathered at the same remote location, such remote location must be open to the public. The bill also amends the annual reporting requirements for public bodies that meet by electronic communication means. This bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Robinson*

**HB909 Virginia Freedom of Information Act; disclosure of law-enforcement and criminal records.** Clarifies that the discretionary exemptions contained in the Freedom of Information Act pertaining to law-enforcement and criminal records may be used by any public body. Current law only permits such exemptions to be used by public bodies engaged in criminal law-enforcement activities. The bill also restricts the application of the discretionary exemption for those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature, the release of which would jeopardize the safety or privacy of any person, to only those portions of noncriminal incident or other noncriminal investigative reports or materials that are in the possession of public bodies (i) engaged in emergency medical services, (ii) engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system. This bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Robinson*

**HB991 State and Local Government Conflict of Interests Act; disclosures; Virginia College Savings Plan.** Adds the Board of the Virginia College Savings Plan to the list of independent government entities whose members are required to file a disclosure statement of their personal interests pursuant to the State and Local Government Conflict of Interests Act. The bill contains a technical amendment to reflect the transition of the Alcoholic Beverage Control Board to an authority.

*Patron - Gilbert*

**HB992 State and Local Government Conflict of Interests Act; disclosure statements; multiple positions.** Provides that only one disclosure statement per calendar year is required under the State and Local Government Conflict of Interests Act for an individual who, subsequent to filing the required disclosure statement for the individual's current posi-

tion or office, holds or seeks a different position or office that also requires the filing of a disclosure statement. An individual who has filed the required statement and is reappointed to the same position or office is not required to file a second statement if the reappointment occurs within 12 months of the earlier filing.

*Patron - Gilbert*

**HB999 Office of Telework Promotion and Broadband Assistance; Broadband Advisory Council; expiration.** Extends the expiration of the Office of Telework Promotion and Broadband Assistance and the Broadband Advisory Council from July 1, 2018, to July 1, 2019. This bill is identical to SB 991.

*Patron - Byron*

**HB1006 Virginia Board of Workforce Development; labor market information.** Requires the Virginia Board of Workforce Development (the Board) to advise and oversee the development of a strategic workforce dashboard and tools that will provide information on issues such as state and regional labor market conditions, the relationship between the supply and demand for workers, workforce program outcomes, and projected employment growth or decline. The measure also transfers from the Virginia Employment Commission (VEC) to the Board, with support from VEC, the responsibility to determine and publish a list of jobs, trades, and professions for which high demand for qualified workers exists or is projected.

*Patron - Byron*

**HB1124 Advisory Board on Service and Volunteerism; membership terms; sunset.** Provides that the reduction from four years to three years in the terms of membership for nonlegislative citizen members of the Advisory Board on Service and Volunteerism enacted in 2017 applies to succeeding terms as well as initial terms and repeals the sunset on the Advisory Board.

*Patron - VanValkenburg*

**HB1170 Department of General Services; aid and cooperation of Division of Purchases and Supply may be sought by any fire company and volunteer emergency medical services agency.** Removes the condition that fire companies and volunteer emergency medical services agencies seeking aid and cooperation from the Division of Purchases and Supply (the Division) in making purchases seek such aid and cooperation through and with the approval of a governing body of a county, city, or town. The bill limits purchases of motor fuel through the Division to purchases for the use of operating and propelling equipment used actually and necessarily for firefighting and emergency medical services purposes.

*Patron - LaRock*

**HB1221 Virginia Information Technologies Agency; additional duties of CIO; cybersecurity review.** Requires the Chief Information Officer of the Virginia Information Technologies Agency to (i) conduct an annual comprehensive review of cybersecurity policies of every executive branch agency, with a particular focus on breaches in information technology that occurred in the reviewable year and any steps taken by agencies to strengthen cybersecurity measures, and (ii) issue a report of his findings to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance, which shall not contain technical information deemed security sensitive or information that would expose security vulnerabilities.

*Patron - Thomas*

**HB1275 Virginia Freedom of Information Act (FOIA); record exclusion for trade secrets supplied to the Virginia Department of Transportation.** Excludes from the mandatory disclosure provisions of FOIA trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), supplied to the Department of Transportation as part of an

audit, a special investigation, or any study requested by the Department of Transportation. 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 - Aird*

**HB1277 Government Data Collection and Dissemination Practices Act; sharing and dissemination of data.** Amends the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) to facilitate the sharing of data among agencies of the Commonwealth and between the Commonwealth and political subdivisions.

*Patron - Garrett*

**HB1297 Virginia-Israel Advisory Board; transfer to legislative branch.** Transfers the Virginia-Israel Advisory Board (the Board) from the executive branch to the legislative branch. The bill also changes the membership of the Board by increasing the number of citizen appointments by the Speaker of the House of Delegates from six to 10 and the number of citizen appointments by the Senate Committee on Rules from six to 10 and by decreasing the number of appointments of the Governor from 13 to five. The Joint Rules Committee appoints the executive director to the Board. Funding for the costs of expenses of the members and the operations of the Board, including staffing needs, are made from such funds as appropriated by the General Assembly. The Virginia-Israel Advisory Board is currently an advisory board in the executive branch of government staffed by the Office of the Governor.

*Patron - Hugo*

**HB1415 Henrietta Lacks Commission; report; sunset.** Creates the Henrietta Lacks Commission to establish through a public-private partnership the Henrietta Lacks Life Sciences Center in Halifax County as a cancer research and treatment center designed to (i) transform and accelerate cancer research and treatment through the use of biodata tools, (ii) provide tailored cancer treatment medicine to an underserved portion of rural Southside Virginia, and (iii) incubate new biotech businesses across the Southside Virginia region. The bill requires the Commission to annually submit a report on its interim activity and work to the Governor and General Assembly. The bill has an expiration date of July 1, 2021.

*Patron - Edmunds*

**HB1426 Virginia Freedom of Information Act; exclusion; certain information held by the board of visitors of The College of William and Mary in Virginia.** Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act certain information held by the board of visitors of The College of William and Mary in Virginia (the board) relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would reveal confidential analyses prepared for the board and have an adverse effect on the value of the investment to be acquired, held, or disposed of by the board. This bill is identical to SB 858.

*Patron - Bulova*

**HB1468 Auditor of Public Accounts; audits.** Eliminates a requirement that the Auditor of Public Accounts audit certain entities annually. The bill provides for the Auditor to perform an audit for these entities as the Auditor determines necessary. This bill is identical to SB 946.

*Patron - Jones, S.C.*

**HB1527 Leave for volunteer members of Civil Air Patrol.** Requires state and private employers to allow officers or employees who are volunteer members of the Civil Air Patrol to take leaves of absence from their respective duties without loss of seniority, accrued leave, benefits, or efficiency

rating on all days during which such officer or employee is (i) engaged in training for emergency missions with the Civil Air Patrol, not to exceed 10 workdays per federal fiscal year, or (ii) responding to an emergency mission as a Civil Air Patrol volunteer, not to exceed 30 workdays per federal fiscal year. The bill requires any officer or employee requesting leave to provide certification that the officer or employee has been authorized by the United States Air Force, the Governor, or a department, division, agency, or political subdivision of the state to respond to or train for an emergency mission and verification from the Civil Air Patrol of the emergency need of the officer's or employee's volunteer service. The bill allows employers to treat such leaves of absence as unpaid leave but prohibits employers from requiring an officer or employee to exhaust any other leave to which he is entitled prior to such leaves of absence.

*Patron - Heretick*

**HB1552 Virginia Board of Workforce Development; pilot program.** Directs the Virginia Board of Workforce Development to recommend strategies to identify and engage discouraged workers and unemployed individuals not currently served by the workforce system and measurably improve the performance of federal Workforce Innovation and Opportunity Act of 2014 Title 1 Youth programs so they lead to improved employability and the development of skills to enter the workforce in a high-demand field. The Board shall report on the recommended strategies by October 1, 2019.

*Patron - James*

**HB1568 Virginia Economic Development Partnership Authority; Department of Small Business and Supplier Diversity; small business development programs.** Transfers the administration of the Small Business Jobs Grant Fund Program and the Small Business Investment Grant Fund from the Department of Small Business and Supplier Diversity to the Virginia Economic Development Partnership Authority. This bill was vetoed by the Governor.

*Patron - Landes*

**HB1583 Commonwealth Broadband Chief Advisor.** Establishes the position of Commonwealth Broadband Chief Advisor (Chief Advisor) within the Office of the Secretary of Commerce and Trade to serve as Virginia's single point of contact and integration for broadband issues, efforts, and initiatives and to increase the availability and affordability of broadband throughout all regions of the Commonwealth. The Chief Advisor shall be designated by the Secretary of Commerce and Trade, and staff for the Chief Advisor shall be provided by the Center for Innovative Technology and the Department of Housing and Community Development.

*Patron - Byron*

**HJ31 Commemorating the 50th anniversary of the assassination of Dr. Martin Luther King, Jr.** The resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission. The resolution is identical to SJ 38.

*Patron - Tyler*

**HJ37 Commemorating the 50th anniversary of Green v. County School Board of New Kent County.** The resolution is the recommendation of the Dr. Martin Luther King, Jr. Memorial Commission. The resolution incorporates HJ 137 and is identical to SJ 81.

*Patron - McQuinn*

**SB20 Department of Planning and Budget; regulatory reduction pilot program; report.** Directs the Department of Planning and Budget (the Department), under the supervision of the Secretary of Finance (the Secretary), to administer a three-year regulatory reduction pilot program aimed at reducing by 25 percent the regulations and regulatory requirements, as defined in the bill, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021. The bill requires the Secretary to report annually to the Speaker of the House and

the Chairman of the Senate Rules Committee no later than October 1, 2019, and October 1, 2020, on the progress of the regulatory reduction pilot program. The bill also requires the Secretary to report by August 15, 2021, to the Speaker of the House and the Chairman of the Senate Rules Committee (i) the progress toward identifying the 25 percent reduction goal, (ii) recommendations for expanding the program to other agencies, and (iii) any additional information the Secretary determines may be helpful to support the General Assembly's regulatory reduction and reform efforts. The bill provides that if, by October 1, 2021, the program has achieved less than a 25 percent total reduction in regulations and regulatory requirements across both pilot agencies, the Secretary shall report on the feasibility and effectiveness of implementing a 2-for-1 regulatory budget providing that for every one new regulatory requirement, two existing regulatory requirements of equivalent or greater burden must be streamlined, repealed, or replaced for a period not to exceed three years. Lastly, the bill directs all executive branch agencies subject to the Administrative Process Act (§ 2.2-4000 et seq.) to develop a baseline regulatory catalog and report such catalog data to the Department, which shall then track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years. This bill is identical to HB 883.

*Patron - Chase*

**SB124 State and Local Government Conflict of Interests Act; school boards and school board employees.** Allows any school district to invoke the current exemption from the prohibition against hiring, under certain circumstances, a school district employee who is related to a member of the school board. Current law limits use of the exemption to only those school districts located in Planning Districts 3, 4, 11, 12, 13, and 17. This bill incorporates SB 301, SB 345, SB 763, and SB 764 and is identical to HB 212.

*Patron - Black*

**SB154 Administrative Process Act; hearing officers; timely decisions.** Provides that a hearing officer conducting a formal hearing on behalf of an agency shall render a recommendation or conclusion within the time period specified in such agency's written regulations or procedures. If the agency does not have regulations or procedures specifying a time period, the recommendation or conclusion must be rendered by the hearing officer within 90 days. This bill is the recommendation of the Administrative Law Advisory Committee and has been approved by the Virginia Code Commission.

*Patron - Edwards*

**SB171 Henrietta Lacks Commission; report; sunset.** Creates the Henrietta Lacks Commission to establish, through a public-private partnership, the Henrietta Lacks Life Sciences Center in Halifax County as a cancer research and treatment center designed to (i) transform and accelerate cancer research and treatment through the use of biodata tools, (ii) provide tailored cancer treatment medicine to an underserved portion of rural Southside Virginia, and (iii) incubate new biotech businesses across the Southside Virginia region. The bill has an expiration date of July 1, 2021.

*Patron - Stanley*

**SB265 Special Assistant to the Governor for Coastal Adaptation and Protection.** Creates the executive branch position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Assistant). The bill provides that the Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. The bill directs the Assistant to initiate and assist with economic development opportunities associated with adaptation, to advance academic expertise at the Commonwealth Center for Recurrent Flooding and Resiliency, and to pursue federal, state, and local funding opportunities for adaptation initiatives. This bill is identical to HB 345.

*Patron - Lewis*

**SB279 Administrative Process Act; exemption for certain regulations of the Board of Accountancy.** Exempts from the public participation provisions of the Administrative Process Act regulations of the Board of Accountancy that are limited to reducing fees charged to regulants and applicants. This bill is identical to HB 753.

*Patron - Barker*

**SB294 Administrative Process Act; exemption for certain regulations of the Department of Veterans Services.** Provides an exemption from the Administrative Process Act for the Department of Veterans Services when promulgating rules and regulations pertaining to the real property tax exemption for surviving spouses of members of the armed forces killed in action.

*Patron - Edwards*

**SB325 Department of Veterans Services.** Provides the Secretary of Veterans and Defense Affairs (the Secretary) with greater direct oversight of the Department of Veterans Services (the Department). The bill requires (i) that the current cost-benefit and value analysis of existing programs and services and for new programs and services before they are established and implemented be conducted annually, with the results provided to the Secretary, and (ii) that the Department submit an annual report through the Secretary to the Governor and the General Assembly on or before December 1 of each year. The bill contains technical amendments.

*Patron - Ruff*

**SB386 Virginia Public Procurement Act; SWaM program; participation of service disabled veteran-owned businesses.** Provides that contracts and subcontracts awarded to service disabled veteran-owned businesses shall be credited toward the small business, women-owned, and minority-owned business contracting and subcontracting goals of state agencies and state contractors.

*Patron - DeSteph*

**SB407 Government Data Collection and Dissemination Practices Act; exemption for the Division of Capitol Police.** Exempts personal information systems maintained by the Division of Capitol Police that deal with investigations and intelligence gathering relating to criminal activity from the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.).

*Patron - McDougle*

**SB512 Virginia Freedom of Information Act (FOIA); scholastic records; student addresses, phone numbers, and email addresses.** Prohibits the custodian of a scholastic record from releasing the address, phone number, or email address of a student in response to a FOIA request without first obtaining the written consent of either the student or the student's parent or legal guardian.

*Patron - Suetterlein*

**SB580 Data collection and dissemination; governance.** Amends the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) to facilitate the sharing of data among agencies of the Commonwealth and between the Commonwealth and political subdivisions. The bill creates the position of Chief Data Officer of the Commonwealth (CDO), housed in the office of the Secretary of Administration, to (i) develop guidelines regarding data usage, storage, and privacy and (ii) coordinate and oversee data sharing in the Commonwealth to promote the usage of data in improving the delivery of services. The bill also creates a temporary Data Sharing and Analytics Advisory Committee (Advisory Committee) to advise the CDO in the initial establishment of guidelines and best practices and to make recommendations to the Governor and General Assembly regarding a permanent data governance structure.

The bill directs the CDO and the Advisory Committee to focus their initial efforts on developing a project for the sharing,

analysis, and dissemination at a state, regional, and local level of data related to substance abuse, with a focus on opioid addiction, abuse, and overdose.

This bill incorporates SB 459, SB 719, SB 804, and SB 830.

*Patron - Hanger*

**SB637 Virginia Longitudinal Data System; workforce data.** Requires the State Council of Higher Education for Virginia (SCHEV), through the Virginia Longitudinal Data System, to report additional information regarding the alignment of postsecondary education and workforce preparation in the Commonwealth. The bill also directs the Department of Motor Vehicles, the Virginia Employment Commission, and the Department of Taxation to cooperate with SCHEV to further assist in the collection and sharing of data regarding workforce analysis.

*Patron - Dunnivant*

**SB651 Virginia Public Procurement Act; executive branch agency's goals for participation by small businesses; requirements.** Expands the requirement under the Virginia Public Procurement Act that any executive branch agency's goals for participation by small businesses include a minimum of three percent participation by service disabled veteran businesses from when such agencies are contracting only for information technology goods and services to when such agencies are contracting for any goods and services. The bill contains technical amendments.

*Patron - McPike*

**SB652 Department of Small Business and Supplier Diversity; powers of director related to certification; report.** Provides that all employment services organizations certified by the Department of Small Business and Supplier Diversity (the Department) for certain exemptions from the Administrative Process Act (§ 2.2-4000 et seq.) shall remain in effect until the Department is notified by the Department for Aging and Rehabilitative Services that such an organization is no longer approved. The bill also directs the Secretary of Administration to convene a work group to examine and make recommendations regarding public employment of individuals with significant disabilities. The Secretary of Administration shall report the findings and recommendations of the work group to the Governor and General Assembly on or before July 1, 2019.

*Patron - McPike*

**SB657 Virginia Freedom of Information Act; exclusion of records related to public safety.** Excludes from mandatory disclosure under the Virginia Freedom of Information Act information held by the Virginia Commercial Space Flight Authority that is categorized as classified or sensitive but unclassified, including national security, defense, and foreign policy information, provided that such information is exempt under the federal Freedom of Information Act (5 U.S.C. § 552).

*Patron - Lewis*

**SB688 Virginia Public Procurement Act; cooperative procurement; stream restoration and stormwater management.** Excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. This bill is identical to HB 574.

*Patron - Ruff*

**SB754 Emblems of the Commonwealth; Freedom Flag.** Designates the Freedom Flag, designed by a Virginian, as the official flag of remembrance of September 11, 2001.

*Patron - Sturtevant*

**SB858 The Virginia Freedom of Information Act; exclusion; certain information held by the board of visitors**

**of The College of William and Mary in Virginia.** Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act certain information held by the board of visitors of The College of William and Mary in Virginia (the board) relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would reveal confidential analyses prepared for the board and have an adverse effect on the value of the investment to be acquired, held, or disposed of by the board. This bill is identical to HB 1426.

*Patron - Mason*

**SB899 Property conveyance; Camp 7 parcel located in Clark County.** Provides that the Commonwealth shall not convey, sell, or otherwise dispose of certain real property identified as a 65+/- contiguous acre parcel within Clarke County (hereinafter "the Camp 7 parcel"). The title to the Camp 7 parcel shall be held by the Commonwealth with the intent to enter into an agreement for the conveyance, sale, or other disposition to Clarke County of the Camp 7 parcel on such terms as negotiated by the Commonwealth and representatives of Clarke County. The bill provides that the prohibition on such disposition to anyone other than Clarke County expires on July 1, 2019; however, any subsequent disposition to anyone other than Clarke County shall be subject to approval by the General Assembly.

*Patron - Vogel*

**SB924 Standards for the display of the Honor and Remember Flag at state buildings and facilities outside of Capitol Square.** Provides that in the absence of a directive from the Governor or the Director of the Department of General Services, the head of the state agency that controls any facility or building outside of Capitol Square may determine when to display the Honor and Remember Flag, provided that the Honor and Remember Flag that is displayed is (i) smaller in height and width than the flag of the United States that is officially displayed at the building or facility and (ii) made in the United States.

*Patron - Cosgrove*

**SB926 Office of the Attorney General; employment of special counsel.** Limits the contingency fee that may be charged by special counsel employed by a state agency, depending on the amount recovered. This bill was vetoed by the Governor.

*Patron - Obenshain*

**SB930 State and Local Government Conflict of Interests Act; prohibited conduct relating to contracts; exceptions; officer or immediate family member of an officer of Marine Resources Commission.** Adds an officer or immediate family member of an officer of the Marine Resources Commission who enters into a contract for goods or services for shellfish replenishment to the list of exceptions to the prohibition against officers and employees having contracts other than their own contracts of employment with their employing agencies, provided that such officer or family member does not participate in (i) awarding the contract, (ii) authorizing the procurement, or (iii) authorizing the use of another procurement method as an alternative to competitive sealed bidding or competitive negotiation. The bill contains technical amendments.

*Patron - Lewis*

**SB946 Auditor of Public Accounts; audits.** Eliminates a requirement that the Auditor of Public Accounts audit certain entities annually. The bill provides for the Auditor to perform an audit for these entities as the Auditor determines necessary. This bill is identical to HB 1468.

*Patron - Hanger*

**SB991 Office of Telework Promotion and Broadband Assistance; Broadband Advisory Council; expiration.**

Extends the expiration of the Office of Telework Promotion and Broadband Assistance and the Broadband Advisory Council from July 1, 2018, to July 1, 2019. This bill is identical to HB 999.

*Patron - Edwards*

## Failed

**[F]HB8 Public procurement; agreements with labor organizations.** Repeals provisions requiring state agencies to ensure that neither the state agency nor any construction manager acting on behalf of the state agency, in its bid specifications, project agreements, or other controlling documents relating to the operation, erection, construction, alteration, improvement, maintenance, or repair of any public facility of public works, (i) requires or prohibits bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations, on the same or related projects, or (ii) discriminates against bidders, offerors, contractors, subcontractors, or operators for becoming or refusing to become or remain signatories or otherwise to adhere to agreements with one or more labor organizations, on the same or related public works projects.

*Patron - Krizek*

**[F]HB23 Red Tape Reduction Commission; review of regulatory requirements; report.** Creates the Red Tape Reduction Commission (the Commission) to develop and maintain a state regulatory baseline of all current state regulatory requirements, with the initial baseline to be completed by January 1, 2020. The bill defines a regulatory requirement as any action required to be taken or information required to be provided in accordance with a statute or regulation in order to access government services or operate and conduct business and excludes requirements that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved or to meet requirements of federal law or regulations. The bill also provides that after the regulatory baseline has been established, any subsequent regulatory requirement proposed by an agency that is not included in the initial state regulatory baseline is considered a new regulatory requirement and requires the approval of the Commission before it may be enacted. The bill prohibits the Commission from approving a new regulation unless it replaces or repeals at least two existing regulations, until the total baseline has been reduced by 35 percent. Thereafter, approvals and corresponding replacement or repeal by the Commission shall be on a one-for-one basis. In addition, the bill provides for the Commission to review current state regulatory requirements and provide recommendations to the Governor and General Assembly on measures to reduce the baseline regulatory requirements. The bill requires the Commission to submit a report to the Governor and General Assembly by November 1, 2018, on (i) the organizational structure of the Commission, (ii) duties of staff, and (iii) guidelines for determining what constitutes a regulatory requirement.

*Patron - Webert*

**[F]HB58 Light-emitting diode (LED) use on outdoor lighting fixtures.** Requires any state agency that installs, replaces, or maintains an outdoor lighting fixture to use LEDs instead of traditional incandescent light bulbs when installing new outdoor lighting fixtures or replacing nonfunctioning bulbs on existing outdoor lighting fixtures unless the appropriate agency authority determines it is not cost efficient to do so. The bill creates an exception to these requirements for the installation or replacement of light bulbs on state-owned property that is listed individually on the Virginia Landmarks Register or is certified by the Director of the Virginia Department of Historic Resources as contributing to the historic significance of a historic district that is listed on the Virginia Landmarks Register. The bill also provides for the Department of General Services to include the requirement for the use of LEDs in the agency's purchasing regulations. Contracts entered

into by the Department of Transportation on and after July 1, 2019, are subject to the requirement.

*Patron - Bell, John J.*

**[F]HB67 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 only to an employer employing more than five but fewer than 15 persons.

*Patron - McQuinn*

**[F]HB98 Virginia Public Procurement Act; competitive negotiation for professional services.** Provides that for competitive negotiation for professional services, a public body may conduct negotiations simultaneously with the top two ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the Request for Proposal.

*Patron - Bell, John J.*

**[F]HB130 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. The bill adds the Chief Resiliency Officer as a member of the Secure and Resilient Commonwealth Panel.

*Patron - Yancey*

**[F]HB147 Virginia Freedom of Information Act; scholastic records; student handheld mobile telephone numbers and student personal email addresses.** Excludes student handheld mobile telephone numbers and student personal email addresses contained in student directories or other scholastic records from the mandatory disclosure provisions of the Virginia Freedom of Information Act.

*Patron - Hurst*

**[F]HB193 Virginia Public Procurement Act; bid match preference for Virginia businesses.** Provides a bid match preference for Virginia businesses. Under the bill, for contracts of \$5,000 or more, a Virginia business has an opportunity to match the lowest bid of an out-of-state bidder if the bid of a Virginia business is within five percent of the lowest bid of an out-of-state bidder.

*Patron - Bell, Richard P.*

**[F]HB199 Superintendent of Public Instruction; establishment of the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council.** Requires the Superintendent of Public Instruction to establish and appoint members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (Council), including at least one teacher, librarian, representative of a parent-teacher organization, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill requires the Council to (i) develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; (ii) develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; and (iii) design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the



safe, ethical, and responsible use of media and technology by students.

*Patron - Sullivan*

**HB223 Virginia Human Rights Act; limitations on causes of action.** Allows courts to award front pay in addition to back pay as damages for discharging an employee in violation of the Virginia Human Rights Act (§ 2.2-3900 et seq.). The bill also removes the time period limitation on the amount of back pay awarded, allows courts to increase or diminish the award if the court finds that either party engaged in delay tactics, and increases the cap on attorney fees awarded from 25 percent of the back pay awarded to 40 percent of the back pay and front pay awarded.

*Patron - Krizek*

**HB242 Prohibition of public funding of professional sports teams.** Prohibits the Commonwealth and any of its political subdivisions from spending public funds to provide incentives for professional sports teams, beginning January 1, 2019. The bill prohibits expenditures including appropriations, grants, loans, or tax incentives used to fund facilities or infrastructure improvements for professional sports teams.

*Patron - Webert*

**HB247 Office of the Attorney General; debt collection; fees.** Limits the fee for collection of student debt on behalf of a public institution of higher education to 15 percent of the amount due.

*Patron - Miyares*

**HB254 Department of Human Resource Management; duties; employee communication regarding workplace issues.** Requires the Department of Human Resource Management to establish a system of regular communication between managing employees and non-supervisory employees who are members of employee associations, labor unions, or labor organizations for the purpose of discussing workplace issues, consistent with the provisions of Chapter 4 (Labor Union, Strikes, Etc.) of Title 40.1 (Labor and Employment).

*Patron - Guzman*

**HB257 Virginia Public Procurement Act; definitions; responsible bidder or offeror.** Clarifies the definition of "responsible bidder" or "offeror" in the procurement act to provide that a determination of whether a bidder or offeror is responsible shall include a consideration of the bidder's or offeror's previous experience.

*Patron - Hope*

**HB306 Virginia Public Procurement Act; preference for businesses participating in Virginia Registered Apprenticeship program.** Authorizes a public body to give preference to the lowest responsive and responsible bidder (i) who is a resident of Virginia, (ii) who participates in the Virginia Registered Apprenticeship program administered by the Virginia Department of Labor and Industry, and (iii) whose bid is within three percent of the lowest bid price.

*Patron - Watts*

**HB314 Lobbyist disclosure; out-of-state registration report.** Requires any lobbyist required to register in the Commonwealth who (i) lobbies in another state and is required to register as a lobbyist pursuant to that state's laws or (ii) lobbies before the federal government and is required to register as a lobbyist pursuant to federal law to file an annual report disclosing where and for whom he lobbies outside the Commonwealth. The report is required to be filed with the Virginia Conflict of Interest and Ethics Advisory Council by May 1 on a form prescribed by the Council, and the Council is required to include the reports on the searchable database maintained by the Council.

*Patron - Head*

**HB331 Health insurance for state and local government employees.** Requires the health insurance plan for state

and local government employees include a reference-based pricing component whereby a fixed maximum amount is paid for certain frequently performed nonemergency medical tests, procedures, and surgeries for which prices vary substantially and the quality of outcomes generally do not correlate with price.

*Patron - Yancey*

**HB332 State employee health insurance plan; coverage for proton therapy.** Requires the state employee health insurance plan to include coverage for proton therapy. The measure provides that the plan shall cover a physician-prescribed hypofractionated proton therapy protocol to deliver a biological effective dose for a particular indication by paying the same aggregate amount as would be paid for the delivery of the same biological effective dose with IMRT for the same indication, provided that the eligible patient is treated as part of a clinical trial or registry.

*Patron - Yancey*

**HB394 Advisory Board on Philanthropy and Social Innovation.** Establishes the Advisory Board on Philanthropy and Social Innovation as an advisory board in the executive branch of state government for the purpose of advising the Governor and Cabinet Secretaries on matters related to the promotion and development of funding partnerships between the Commonwealth and philanthropic foundations. The bill has an expiration date of July 1, 2021.

*Patron - Keam*

**HB401 Prohibited discrimination; sexual orientation and gender identity.** Prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill 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 and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments.

*Patron - Levine*

**HB473 Virginia Public Procurement Act; use of best value contracting.** Authorizes the use of best value contracting by all public bodies. The bill sets forth the requirements for any procurement process that uses best value concepts.

*Patron - Reid*

**HB500 Virginia Small Business Financing Authority; Veteran Entrepreneur and Capital Resources Program and Fund.** Establishes the Veteran Entrepreneur and Capital Resources Program and Fund to provide loans and support to veteran small business owners, as defined in the bill, and to veterans starting a business, purchasing a franchise, or pursuing other entrepreneurial endeavors. The Fund shall be managed and administered by the Virginia Small Business Financing Authority with guidance from the Director of Small Business and Supplier Diversity and assistance with verification of veteran status and promotion of the program from the Department of Veterans Services. The bill has a delayed effective date of January 1, 2019.

*Patron - Hodges*

**HB504 Virginia Freedom of Information Act; definition of "custodian."** Defines "custodian," for purposes of the Virginia Freedom of Information Act, as a public body or its officers, employees, or agents who (i) have prepared or (ii) own or are in possession of a public record. The bill allows for more than one custodian per record.

*Patron - Mullin*

**HB513 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, 2019, 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, 2019, 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, 2019, 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; (iii) authorizes the Director to terminate a contract with any independent certifying entities to assist in the certification of small, women-owned, and minority-owned businesses based on performance or a written determination by the Director that continuing the contract is not practicable, and (iv) 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, 2022, and December 1, 2025.

*Patron - Wilt*

**HB557 Virginia Public Procurement Act; public works contract requirements; apprenticeship utilization.** Creates minimum requirements for the use of apprentices in public works projects paid for in whole or in part by state funds. The bill provides that the failure of a contractor to comply with the apprentice utilization requirement shall be (i) deemed a breach of contract entitling the contracting agency to all remedies allowed by law and under the contract and (ii) considered as evidence bearing upon a contractor's qualification for the award of future contracts.

*Patron - Krizek*

**HB559 State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests Act; post-service restrictions.** Extends the "revolving door" prohibition applicable to state officers and employees and members of the General Assembly. State officers and employees, as defined in § 2.2-3104, are currently prohibited from lobbying the agency of which they were an officer or employee for one year after the termination of public employment or service; the bill extends that prohibition to three years and further prohibits lobbying before the General Assembly during that period. Members of the General Assembly are currently prohibited from lobbying the General Assembly or any legislative agency for one year after the termination of public service; the bill extends that prohibition to three years.

*Patron - Roem*

**HB567 State and Local Government Conflict of Interests Act; General Assembly Conflicts of Interests Act; bundled gifts.** 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 bundled gift 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 that are aggregated and delivered to the recipient by a single source.

*Patron - Gooditis*

**HB600 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*

**HB608 Virginia Public Procurement Act; high-risk contracts; report.** Requires the Department of General Services (DGS), the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, as appropriate, to review contract solicitations and contracts for any public contract for goods, services, insurance, or construction that meets the definition of high-risk contract provided in the bill. Employees designated as primary administrators of high-risk contracts are required to complete a training program on effective contract administration created by DGS and VITA pursuant to requirements of the bill prior to commencing high-risk contract administration duties. Some provisions of the bill have delayed effective dates for implementation of the high-risk contract training and review processes.

*Patron - Carr*

**HB647 Virginia Public Procurement Act; architectural and professional engineering term contracts.** Increases from \$500,000 to \$750,000 the maximum total amount of all construction projects that may be performed in a one-year contract term of a contract for architectural or professional engineering services relating to multiple construction projects.

*Patron - Bell, John J.*

**HB655 State and Local Government Conflict of Interests Act; disclosure by local government officers and employees.** Provides that an officer or employee of local government who has a personal interest in a transaction but who is still eligible to participate in the transaction because he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction need only declare his interest in the transaction at the first meeting at which the transaction is discussed and at least one subsequent meeting thereafter. Current law requires that such interest be disclosed at each meeting of the governmental or advisory agency at which the transaction is discussed.

*Patron - Murphy*

**HB657 Virginia Public Procurement Act; competitive sealed bidding.** Requires bidders to submit two bids for any procurement that will receive less than 25 percent of its funding from the federal government. One bid shall include costs that account for wages required under the Davis-Bacon Act, 40 U.S.C. §§ 276a through 276a-5, as amended, and the other bid shall include costs that account for wages as customarily paid by the bidder.

*Patron - Davis*

**HB664 Virginia Freedom of Information Act; transfer of public records; definition of "custodian."** Requires a public body initiating a transfer of public records to any entity, including to any other public body, to remain the custodian of those records only if the public body has transferred the entirety of those public records. Current law requires the public body initiating a transfer of public records to remain

the custodian if it has transferred possession of any public records. The bill also excludes the transfer of a portion of information contained in one public body's public record to another public body from being considered as a transfer of an entire public record. The bill also prohibits a public body from withholding a public record in its entirety on the grounds that information contained in such public record was provided by another public body. The bill defines "custodian" for purposes of the Virginia Freedom of Information Act.

*Patron - Kilgore*

**HB666 State and Local Government Conflict of Interests Act; school boards and school board employees.** Excludes school boards that govern local school divisions located in Planning District 1 from the prohibition against hiring, under certain circumstances, a school board employee who is related to a member of the school board.

*Patron - Kilgore*

**HB667 Prevailing wage; public works contracts; penalty.** Requires contractors and subcontractors under any public contract with a state agency for public works to pay wages, salaries, benefits, and other remuneration to any mechanic, laborer, or worker employed, retained, or otherwise hired to perform services in connection with the public contract for public works at the prevailing wage rate. The Commissioner of Labor and Industry is required to determine the prevailing wage rate for such public contracts on the basis of applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the federal Davis-Bacon Act. A contractor or subcontractor who knowingly or willfully employs any mechanic, laborer, or worker to perform work contracted to be done under the public contract at a rate that is less than the prevailing wage rate is guilty of a Class 1 misdemeanor. In addition, such a contractor or subcontractor shall be liable to such individuals for the payment of all wages due plus interest and shall be disqualified from bidding on public contracts with any public body until full restitution has been paid to the individuals.

*Patron - Krizek*

**HB710 Office of the Children's Ombudsman.** Creates the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and information for children, parents, and citizens involved with child-serving agencies, defined in the bill. The bill provides for the Office of the Governor to conduct a needs assessment with the Department of General Services to provide for the office space needs of the Office of the Children's Ombudsman.

*Patron - Hurst*

**HB724 Virginia Public Procurement Act; prompt payment; payment date.** Amends the prompt payment provisions of the Virginia Public Procurement Act by changing the definition of "payment date" from 30 days to 15 days after receipt of a proper invoice by the state agency, where a contract does not specify the payment date.

*Patron - Plum*

**HB725 Department of Small Business and Supplier Diversity; Virginia Public Procurement Act; definition of small business.** Changes the requirements of the definition of small business for the purposes of programs of the Department of Small Business and Supplier Diversity and the Virginia Public Procurement Act to require the business, together with affiliates, to have 250 or fewer employees and average annual gross receipts of \$10 million or less averaged over the previous three years. Currently for these programs, a business is required to meet one or the other of these conditions to be considered a small business.

*Patron - Plum*

**HB726 Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.** Codifies the Governor's Executive Order 20 (2014)

establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

*Patron - Plum*

**HB741 Virginia Division of Human Rights; informal determinations inadmissible in civil action.** Provides that any informal determination made by the Virginia Division of Human Rights, prior to a public hearing held pursuant to § 2.2-520, as a result of an investigation or conciliation process involving an alleged unlawful discriminatory practice shall not be discoverable or admissible in evidence in any civil action.

*Patron - Leftwich*

**HB774 Public procurement; contracting for construction on a construction management basis.** Authorizes state public bodies and public institutions of higher education to enter into contracts for construction on a construction management basis where the estimated cost is expected to be greater than \$40 million of actual construction costs without following certain statutory procedures. Under current law, such bodies are required to comply with the procedures whenever such bodies determine to use construction management. The bill also changes the threshold for local public bodies to contract for construction using construction management from \$10 million to \$40 million. The bill also amends the components of the definition "complex project" by (i) removing references to multifaceted program, unique equipment, and specialized building systems, (ii) adding unconventional building systems, (iii) clarifying that the accelerated schedule component of the definition must be due to regulatory mandates, and (iv) requiring that any historic designation be properly registered.

*Patron - Landes*

**HB781 Virginia Open Data Initiative Act.** Creates the Virginia Open Data Initiative Act to increase public awareness of and access to the data created by and available from state agencies. The bill provides for appointment by the Governor of a Chief Data Officer to maintain the official website of the Commonwealth of Virginia as a dedicated open data website. The bill requires the Chief Data Officer to oversee the establishment of procedures, standards, and best practices regarding the appropriate access and presentation of open data and datasets by each agency, including the development of a dataset format standard and ensuring that the datasets are accessible in a nonproprietary, machine-readable format that is compliant with state and federal law. The bill also provides for the Chief Data Officer to submit by December 31, 2019, a written report to the Governor and the General Assembly consisting of (i) the progress made on the implementation of the provisions of the bill, (ii) the effectiveness in providing open data and datasets to the public and among agencies, and (iii) the feasibility of expanding the open data initiative to the legislative and judicial branches of government.

*Patron - Keam*

**HB804 Virginia Economic Development Partnership Authority (VEDP); grants and other economic incentive programs administered by VEDP; waiver.** Provides that notwithstanding any provision of law or applicable VEDP guidelines, a political subdivision or eligible business, as the case may be, may request a waiver that permits it to use no more than one-quarter of the grant or loan from any fund administered by VEDP for a purpose indirectly related to the economic development project for which the grant or loan was awarded. The bill provides that any request for a waiver shall be submitted to VEDP or the Secretary of Commerce and Trade, as appropriate, for approval and provides that no such

waiver shall be granted unless also approved by the Governor. The bill contains technical amendments.

*Patron - Davis*

**HB816 Governor's Secretaries; reporting substance abuse data and information.** Requires every Secretary to identify an agency within his secretariat to receive such data and information related to substance abuse as the Secretary may specify and requires every agency in a secretariat to report such data and information to the identified agency.

*Patron - Hope*

**HB851 Virginia Public Procurement Act; request for proposals; publication.** Removes the requirement for newspaper publication of Requests for Proposals for professional services.

*Patron - Ingram*

**HB876 Interstate Compact on Washington Area Professional Football Team Franchise Facility Incentives.** Establishes an interstate compact among the Commonwealth of Virginia, the State of Maryland, and the District of Columbia (the party states) that prohibits the party states from providing incentives for a Washington area professional football team franchise facility, including tax incentives, state or local appropriations, and loans. The bill provides that the compact will not become effective unless the party states enact concurring legislation prior to January 1, 2019.

*Patron - Webert*

**HB904 Virginia Freedom of Information Act (FOIA); general exclusion for trade secrets submitted to a public body.** Creates a general record exclusion for trade secrets submitted to a public body. The bill provides that a record is eligible for exclusion as a trade secret if the submitted information qualifies as a trade secret of the submitting entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) and requires the submitting entity to make a written request to the public body (i) invoking such exclusion upon submission of the trade secret information for which protection from disclosure is sought, (ii) identifying with specificity the trade secret information for which protection is sought, and (iii) stating the reasons why protection is necessary. The bill permits a requester filing a FOIA petition challenging a record's designation as an excluded trade secret to name the submitting entity or its successor in interest, in addition to the public body, as a defendant. The bill also permits the public body to request that the court add the submitting entity as an additional defendant in the action. The bill provides that the general exclusion for trade secrets shall not be construed to authorize the withholding of such information that no longer meets the definition of a trade secret under the Uniform Trade Secrets Act. This bill is a recommendation of the Virginia Freedom of Information Advisory Council.

*Patron - Robinson*

**HB921 Virginia Public Procurement Act; cooperative procurement; construction.** Allows public bodies to utilize cooperative procurement for (i) public utility and infrastructure projects and (ii) the demolition of buildings, where the expected cost is less than \$500,000.

*Patron - Lopez*

**HB940 Office of the Attorney General; Freedom of Information Act Ombudsman created.** Provides for the Attorney General to appoint a Freedom of Information Act Ombudsman to promote compliance by state agencies with the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

*Patron - Roem*

**HB942 Address Confidentiality Program; real property records.** Prohibits the circuit court of any county or city, or the clerk of any such court, or his duly qualified deputy, from disclosing identifying information, including the actual address, contained in real property records of program partici-

pants under the Address Confidentiality Program (§ 2.2-515.2) if the program participant provides notice to the circuit court, unless the program participant consents to such disclosure, a court order directs the disclosure, or there is a bona fide request for a title examination and the circuit court obtains an exemption from the Office of the Attorney General. The bill also requires the clerk of each circuit court of any county or city to establish procedures for recording or filing real property documents in compliance with the Address Confidentiality Program.

*Patron - Lopez*

**HB957 Virginia Freedom of Information Act; definition of "custodian."** Defines "custodian," for the purposes of the Virginia Freedom of Information Act, as the official in charge of a public body or entity that has created, prepared, or revised a public record or that maintains or possesses a public record. The bill allows for more than one custodian per record.

*Patron - Yancey*

**HB958 Virginia Freedom of Information Act (FOIA); records containing both excluded and nonexcluded information; duty to redact.** 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 information contained in the public record was provided by another public body.

*Patron - Yancey*

**HB959 Virginia Freedom of Information Act; transfer of public records.** Requires a public body initiating a transfer of public records to any entity, including to any other public body, to remain the custodian of those records only if the public body has transferred the entirety of those public records. Current law requires the public body initiating a transfer of public records to remain the custodian if it has transferred possession of any public records. The bill also excludes the transfer of a portion of information contained in a public body's public record to another public body from being considered a transfer of an entire public record.

*Patron - Yancey*

**HB994 Parental leave benefits.** Requires the Department of Human Resource Management (the Department) to implement and administer 12 weeks of paid parental leave benefits for a state employee who becomes the parent of a child either by adoption or by birth of a child. To be eligible, an employee must be a full-time employee with at least one year of continuous state employment. The bill requires employees to take leave within one year of a child's birth or adoption and provides that if two employees are eligible for benefits for the same child, only one shall claim benefits. The bill provides that if an employee is eligible for both parental leave and maternity leave for the same child, parental leave covers the first 12 weeks of leave; thereafter, if the employee provides notification to her employer from her physician that she is unable to return to work, she may receive short-term disability benefits.

*Patron - Byron*

**HB1016 Parental leave benefits.** Creates a new program of parental leave benefits for full-time state employees with one or more years of continuous employment with the Commonwealth who (i) are the biological parent of a child under one year of age or (ii) adopt a child under one year of age. The amount of leave would be equivalent to the amount of paid leave awarded to an employee pursuant to short-term disability. The bill provides that if two employees are eligible for benefits for the same child, only one shall claim benefits. The bill provides that if an employee is eligible for both parental leave and maternity leave for the same child, parental leave covers the first six weeks of leave; thereafter, if the employee provides notification to her employer from her physician that she is unable to return to work, she may receive short-term disability benefits.

*Patron - Toscano*

**HB1048 Employer-Sponsored Retirement Plans Grant Fund.** Directs the Department of Small Business and Supplier Diversity (the Department) to administer a grant program to incentivize small businesses to provide retirement plans for their employees. The bill defines small business as a business with 50 or fewer employees. The bill (i) establishes the Employer-Sponsored Retirement Plans Grant Fund, funded by the general appropriation act, from which such grants shall be disbursed and (ii) directs the Department to establish criteria for determining the amount of the grant to be awarded.

*Patron - Torian*

**HB1049 My Virginia Plan Program; retirement plans for employees of private employers.** Establishes the My Virginia Plan Board (the Board) and directs the Board to create the My Virginia Plan Program (the Program) to enable private employers to connect with financial services firms that offer retirement plans. The bill directs the Board to contract with a private entity to implement and administer the Program.

The bill provides that participation in a plan offered through the Program is voluntary for employers and their employees. The bill requires the Board to review and approve financial services firms to offer retirement plans through the Program and create a website for employers to obtain information on how to participate. The bill requires the Board to ensure that the Program provides a range of investment options to meet the needs of investors with various levels of risk tolerance and various ages.

The bill requires that in order to participate in the Program a financial services firm must register with the State Corporation Commission, meet the requirements of all federal laws required to offer retirement plans, and offer at least two product options, including a target date fund and a balanced fund. The bill authorizes the Department to charge fees to participating financial services firms to recoup start-up and ongoing costs. The bill prohibits financial services firms from charging administrative fees to employers but such firms may charge annual fees to enrollees.

*Patron - Torian*

**HB1084 Virginia Public Procurement Act; statute of limitations on actions on construction contracts; statute of limitations on actions on performance bonds.** Provides that unless otherwise specified in the contract, no action may be brought by a public body on any construction contract unless such action is brought within five years after completion of the contract, including the expiration of all warranties and guarantees. The bill also limits the time frame during which a public body, other than the Department of Transportation, may bring an action against a Surety on a performance bond to within five years after completion of the contract, including the expiration of all warranties and guarantees. Current law allows a public body, other than the Department of Transportation, to bring such an action within one year after (i) completion of the contract, including the expiration of all warranties and guarantees, or (ii) discovery of the defect or breach of warranty that gave rise to the action.

*Patron - Yancey*

**HB1090 Virginia Personnel Act; equal pay for equal work; policy of the Commonwealth.** Provides that it is the policy of the Commonwealth that there shall be no discrimination between state employees on the basis of sex by paying wages to state employees at a rate less than the rate at which it pays wages to state employees of the opposite sex for equal work. The bill also requires the Department of Human Resource Management to establish and administer a program to ensure equal pay for equal work to state employees in all incidents of employment as provided in the Virginia Personnel Act (§ 2.2-2900 et seq.). The bill contains technical amendments.

*Patron - Boysko*

**HB1099 Commission for Historical Statues in the United States Capitol; removal of Robert E. Lee statue from National Statuary Hall Collection.** Creates the Commission for Historical Statues in the United States Capitol to provide for the removal of the Robert E. Lee statue in the National Statuary Hall Collection at the United States Capitol and to recommend to the General Assembly as a replacement a statue of a prominent Virginia citizen of historic renown or renowned for distinguished civil or military service to be commemorated in the National Statuary Hall Collection.

The Commission will consist of six members appointed as follows: one member of the House of Delegates appointed by the Speaker of the House of Delegates; one member of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members who are Virginia or American historians appointed by the Governor; one nonlegislative citizen member appointed upon the vote of the Commission members appointed by the Speaker, the Senate Committee on Rules, and the Governor; and the Director of the Department of Historic Resources. Only the members of the General Assembly, the Governor's appointees, and the appointee of the Commission members will have voting privileges. General Assembly members and the Director of the Department of Historic Resources will serve ex officio. The Department of Historic Resources will provide staff support to the Commission.

The Commission will also be required to (i) select a sculptor for the new statue with preference given to a sculptor from Virginia, (ii) estimate the costs associated with the replacement of the Robert E. Lee statue, including costs related to construction and placement of the new statue, the removal and transfer of the Robert E. Lee statue, and any unveiling ceremony of the new statue, and (iii) recommend to the General Assembly a suitable state, local, or private nonprofit history museum in the Commonwealth for placement of the Robert E. Lee statue.

The bill requires (a) the Commission to hold at least one public hearing prior to making any recommendation to the General Assembly on a new statue and (b) the costs of the Commission's work to be borne by the Commission from such private funds collected by the Commission and general funds as are appropriated by the General Assembly.

*Patron - Levine*

**HB1101 Virginia Freedom of Information Act; right to speak at open meetings.** Requires that every public body, except for governing boards of public institutions of higher education, afford an opportunity for public comment during any open meeting. The bill provides, however, that if a public body holds more than four meetings in a calendar year, such public body may, by recorded vote, limit the number of meetings at which an opportunity for public comment is afforded to four meetings per calendar year. The bill requires that the notice given by a public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. In current law, this requirement applies only to public bodies where at least one member has been appointed by the Governor. The bill permits public bodies to choose the approximate point during the meeting when public comment will be received and permits public bodies to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner, but prohibits public bodies from limiting public comment to only the submission of written comments.

*Patron - Robinson*

**HB1106 Office of the Attorney General; misclassification of employees as independent contractors.** Authorizes the Attorney General, upon reasonable cause to believe that a person is wrongfully misclassifying employees within the Commonwealth as independent contractors, to conduct an

investigation into such possible wrongful misclassification. Upon probable cause that a person has wrongfully misclassified employees within the Commonwealth as independent contractors, the Attorney General shall have the authority to file a complaint in the circuit court where such person is located, seeking recovery of all amounts owed to departments and commissions of Virginia, unpaid wages or overtime for employees, and any other losses of benefits, amounts due under the law, and damages employees suffered due to the wrongful misclassification. The circuit court may award judgment in the amount owed, including prejudgment and postjudgment interest, and assess all costs and reasonable attorney fees against a person who wrongfully misclassified employees as independent contractors.

*Patron - Boysko*

**HB1117 Virginia Personnel Act; exemptions for certain officers and employees.** Changes the exemption from the Virginia Personnel Act (§ 2.2-2900 et seq.) for production workers for the Virginia Industries for the Blind Sheltered Workshop programs to an exemption for employees of the Department for the Blind and Vision Impaired's rehabilitative manufacturing and service industries who have a human resources classification of industry worker.

*Patron - Rodman*

**HB1192 Administrative Process Act; development and periodic review of regulations; report.** Requires all executive branch agencies to develop regulations in the least burdensome and intrusive manner possible and provides guiding principles for the development, adoption, and repeal of regulations. The bill also requires each agency to establish a schedule for the review of all regulations for which the agency is the primary responsible agency. The schedule shall encompass a 10-year period and provide for the annual review of at least 10 percent of an agency's regulations by July 1 of each year. Under the bill, the Governor will submit an annual report containing the findings of the regulation reviews by August 1 of each year to the chairmen of the standing committees of the House of Delegates and the Senate.

*Patron - Cline*

**HB1196 Procurement of nonprofessional services by certain state agencies; commercial activities.** Requires the Director of the Division of Purchases and Supply of the Department of General Services to require each state agency, except law-enforcement agencies, to procure nonprofessional services from the private sector if such services are listed in the Department of Planning and Budget's commercial activities list. The bill also provides that, upon a written determination made in advance by a state agency that the procurement of nonprofessional services from a commercial source is neither practicable nor fiscally advantageous, such service may continue to be performed by the state agency.

*Patron - Cline*

**HB1247 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. The bill requires that the notice given by a public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. The bill permits public bodies to choose the approximate point during the meeting when public comment will be received and permits public bodies to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner.

*Patron - Cline*

**HB1262 Department of General Services; disposition of surplus motor vehicles.** Provides that the Department of General Services shall permit surplus motor vehicles to be donated prior to public sale or auction to Virginia community college educational foundations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code that operate

car donation programs that assist low-income students participating in noncredit workforce training programs with overcoming transportation-related barriers to employment.

*Patron - Toscano*

**HB1267 State employee health plan; coverage for gender transition services.** Requires the state employee health plan to provide coverage for gender transition services.

*Patron - Sickles*

**HB1271 Public procurement; construction management and transportation construction services.** Authorizes state public bodies and public institutions of higher education to enter into contracts for construction on a construction management basis and without following certain statutory procedures when the estimated cost is expected to be greater than \$40 million. Under current law, such bodies are required to comply with the procedures whenever they use construction management. The bill also increases from \$10 million to \$40 million the threshold of expected actual construction costs above which local public bodies may contract for construction on a construction management basis. The bill amends the components of the definition of "complex project" by (i) removing references to unique equipment and specialized building systems, (ii) adding unconventional building systems, (iii) specifying that the accelerated schedule component of a project must be due to regulatory mandates, and (iv) requiring that any historic designation be properly registered.

*Patron - Sickles*

**HB1281 Department of Planning and Budget; additional duties; economic impact statements.** Requires the Department of Planning and Budget to prepare economic impact statements containing fiscal and regulatory analyses.

*Patron - LaRock*

**HB1300 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, 2019, 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, 2019, 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, 2019, 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; (iii) authorizes the Director to terminate a contract with any independent certifying entities to assist in the certification of small, women-owned, and minority-owned businesses based on performance or a written determination by the Director that continuing the contract is not practicable, and (iv) 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, 2022, and December 1, 2025.

*Patron - Lopez*

**HB1324 Joint subcommittee of House and Senate Committees on Privileges and Elections to review gubernatorial appointments; membership.** Provides for the Speaker of the House of Delegates to appoint the five delegates on the joint subcommittee of the House and Senate Committees on Privileges and Elections charged with reviewing gubernatorial appointments and for the Senate Committee on Rules to appoint the three senators on the joint subcommittee. Currently, the Chairman of the House Committee on Privileges and Elections appoints the five delegates on the joint subcommit-

tee, and the Chairman of the Senate Committee on Privileges and Elections appoints the three senators on the joint subcommittee.

*Patron - Cole*

**HB1329 Government Data Collection and Dissemination Practices Act; dissemination of information concerning religious preferences and affiliations.** Prohibits any state agency maintaining an information system that includes personal information from disseminating to federal government authorities information concerning the religious preferences and affiliations of data subjects for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity. This prohibition applies even if consent is given to disseminate such information to public institutions of higher education, state facilities under Title 37.2 (Behavioral Health and Developmental Services), and juvenile correctional facilities established pursuant to Title 66 (Juvenile Justice) or Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 (Juvenile and Domestic Relations District Courts).

*Patron - Tran*

**HB1341 Small Business Financing Authority (Authority); Virginia Small Business Emergency Bridge Loan Fund created.** Creates the Virginia Small Business Emergency Bridge Loan Fund (the Fund) to provide short-term direct loans to eligible small businesses impacted by a disaster for which a state of emergency has been declared. The bill provides that the Fund shall be managed and administered by the Authority with guidance from the Director of the Department of Small Business and Supplier Diversity and that loans provided from the Fund shall be (i) for a minimum amount of \$1,000 up to a maximum amount of \$5,000, (ii) provided interest-free, and (iii) repaid by the end of the loan term, which term shall be set by the Authority for a minimum of 90 days but not to exceed 180 days.

*Patron - Bloxom*

**HB1346 Children's Services Act; special education programs.** Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program.

*Patron - Thomas*

**HB1357 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 - Aird*

**HB1358 Commonwealth's Development Opportunity Fund; criteria for awarding grants and loans.** Changes the criteria for awarding funds from the Commonwealth's Development Opportunity Fund (the Fund) to include a fiscally stressed locality with an above average or high score as evidenced by the Commission on Local Government Fiscal Stress Index. The bill awards no less than one-third of the moneys appropriated to the Fund in every five-year period to counties and cities that apply for funding and are experiencing above average or high fiscal stress as evidenced by the Commission on Local Government Fiscal Stress Index. Currently, the law awards one-third of the moneys appropriated to the Fund in every five-year period based on unemployment rates of cities and counties.

*Patron - Aird*

**HB1359 Department of Human Resource Management; establishment of state employee voluntary leave bank.** Provides for the Director of Human Resource Management to establish and administer a voluntary leave bank program under which a state employee may contribute unused accrued annual leave for use by other state employees who are (i) experiencing a personal or family medical emergency and (ii) have exhausted available paid leave.

*Patron - Aird*

**HB1407 Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.** Codifies the Governor's Executive Order 20 (2014) establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

*Patron - Ward*

**HB1456 State Inspector General; powers and duties.** Requires the State Inspector General to receive complaints that allege a local ordinance violates state law, determine whether the complaints give reasonable cause to investigate, and provide a report detailing any findings to the complainant.

*Patron - Thomas*

**HB1462 Virginia Human Rights Act; sexual harassment; contracting agencies.** Includes protection against sexual harassment in the workplace for all individuals of the Commonwealth as part of the Virginia Human Rights Act (§ 2.2-3900 et seq.). The bill requires that all contracting agencies entering into government contracts of over \$10,000 include a provision in the contract requiring (i) the contractor to provide training to all supervisors and employees providing services in the Commonwealth on the contractor's sexual harassment policy and (ii) that the contractor agree to post the contractor's sexual harassment policy in (a) a conspicuous public place in each building located in the Commonwealth owned or leased by the contractor for business purposes or (b) the contractor's employee handbook. The bill also requires the Department of Human Resource Management to develop an online training module addressing sexual harassment in the workplace that shall be available for use by all employees and agencies of the Commonwealth, including contractors for compliance with the Fair Employment Contracting Act (§ 2.2-4200 et seq.), by January 1, 2019. The bill contains technical amendments.

*Patron - Tran*

**HB1465 Requirement to purchase through the Division of Purchases and Supply; exceptions.** Adds the legislative branch, the judicial branch, and the State Corporation Commission as entities exempt from the requirement of making purchases through the Division of Purchases and Supply. The bill also requires that the State Corporation Commission adopt regulations made in accordance with the Virginia Public Procurement Act that specify policies and procedures that are based on competitive principles and that are generally applicable to procurement of goods and services by comparably situated state agencies.

*Patron - Peace*

**HB1470 Virginia-Israel Advisory Board; reorganize as Virginia-Israel Advisory Authority.** Reorganizes the existing Virginia-Israel Advisory Board, renamed the Virginia-Israel Advisory Authority, as an independent authority. The bill provides that the current members of the Virginia-Israel Advisory Board shall serve the remainder of their unexpired terms as members of the board of directors of the Virginia-Israel Advisory Authority. The Virginia-Israel Advisory Board is currently an advisory board in the executive branch of government staffed by the Office of the Governor.

*Patron - Hugo*

**HB1517 State and Local Government Conflict of Interests Act; General Assembly Conflicts of Interests Act; prohibited contracts; exceptions.** Increases from \$500 to \$5,000 the value of a contract for the purchase of goods or services that a state officer or employee or a member of the General Assembly may have with his governmental agency or another governmental agency without being considered to have a prohibited interest in a contract.

*Patron - Rush*

**HB1529 Parental and supplemental family leave benefits.** Requires the Department of Human Resource Management (the Department) to implement and administer a parental leave benefits program (the parental leave program) for state employees. The parental leave program shall provide 12 weeks of paid leave for an employee who becomes the parent of a child either by adoption or by birth of a child. The bill requires employees to take parental leave within one year of a child's birth or adoption and provides that if two employees are eligible for benefits for the same child, only one shall claim benefits. The bill provides that if an employee is eligible for both parental leave and maternity leave for the same child, parental leave covers the first 12 weeks of leave; thereafter, if the employee provides notification to her employer from her physician that she is unable to return to work, she may receive short-term disability benefits.

The bill also requires the Department to implement and administer a supplemental family leave benefits program (the supplemental family leave program). The supplemental family leave program shall provide 30 days of paid leave for a state employee who takes leave in order to care for a family member who has a serious health condition or because of a serious health condition that makes the state employee unable to perform his job functions. The bill directs that an employee seeking supplemental family leave must provide medical verification upon his employer's request and that the employee may be required to obtain additional medical verifications if his employer disagrees with the first medical verification.

To be eligible for either program, an employee must be a full-time employee with at least one year of continuous state employment.

*Patron - Sickles*

**HB1531 Secretary of Public Safety and Homeland Security; duties; public database for executive and legislative presentations.** Requires the Secretary of Public Safety, in cooperation with the Secretary of Health and Human Resources, to establish a clearinghouse for all publicly avail-

able presentations and data sets related to substance abuse created by or for any state agency for which the Secretary of Public Safety or the Secretary of Health and Human Resources is responsible to the Governor and to make such information available to the public through the Internet.

*Patron - Herring*

**HB1582 Commonwealth Data Trust Advisory Council.** Establishes the Commonwealth Data Trust Advisory Council (Council), consisting of 16 members. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment of data analytics to inform policies in communities throughout the Commonwealth. The provisions of the bill expire on July 1, 2028.

*Patron - Boysko*

**HB1603 Virginia Freedom of Information Advisory Council; charges for the production of public records.** Provides that any citizen may file up to 20 records requests to a single public body in a period of 31 consecutive days without incurring fees for the first two hours of service. The bill provides that for every request filed to one public body exceeding 20 requests filed during a period of 31 consecutive days by that same individual, the agency may levy a fee equal to the hourly rate of pay, excluding benefits, of the lowest paid individual capable of fulfilling the request. The bill further provides that if the requested records are (i) maintained by the public body in an electronic data processing system, computer database, or any other structured collection of data and (ii) the request requires more than two hours to fulfill, the public body may charge an hourly rate for accessing or searching for the records not to exceed the hourly rate of pay of the lowest paid individual capable of fulfilling the request, and in no case shall total costs exceed \$50 unless the public body and the requester reach an agreement for the requester to pay a higher amount.

*Patron - Roem*

**SB12 State and Local Government Conflict of Interests Act and General Assembly Conflicts of Interests Act; post-service restrictions.** Extends the "revolving door" prohibition applicable to state officers and employees and members of the General Assembly. State officers and employees, as defined in § 2.2-3104, are currently prohibited from lobbying the agency of which they were an officer or employee for one year after the termination of public employment or service; the bill extends that prohibition to three years and further prohibits lobbying before the General Assembly during that period. Members of the General Assembly are currently prohibited from lobbying the General Assembly or any legislative agency for one year after the termination of public service; the bill extends that prohibition to three years.

*Patron - Petersen*

**SB15 Virginia-Israel Advisory Board; reorganize as Virginia-Israel Advisory Authority.** Reorganizes the existing Virginia-Israel Advisory Board, renamed the Virginia-Israel Advisory Authority, as an independent authority. The bill provides that the current members of the Virginia-Israel Advisory Board shall serve the remainder of their unexpired terms as members of the board of directors of the Virginia-Israel Advisory Authority. The Virginia-Israel Advisory Board is currently an advisory board in the executive branch of government staffed by the Office of the Governor.

*Patron - Petersen*

**SB146 Office of the Children's Ombudsman.** Creates the Office of the Children's Ombudsman to provide ombudsman services, including investigation of complaints, advocacy, and information for children, parents, and citizens involved with child-serving agencies, defined in the bill. The bill provides for the Office of the Governor to conduct a needs assessment with the Department of General Services to provide for the office space needs of the Office of the Children's Ombudsman.

*Patron - Edwards*



**SB188 Virginia Public Procurement Act; competitive negotiation for professional services.** Provides that for competitive negotiation for professional services, except in the case of the procurement of architectural or engineering services, a public body may conduct negotiations simultaneously with the top two ranked offerors if the public body does not request or discuss nonbinding estimates of total project costs at the discussion stage and as long as such process is set forth in the Request for Proposal.

*Patron - Favola*

**SB202 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 veteran.

*Patron - Ebbin*

**SB205 Children's Services Act; special education programs.** Expands eligibility for services under the Children's Services Act to students who transfer from an approved private school special education program to a public school special education program established and funded jointly by a local governing body and school division located within Planning District 16 for the purpose of providing special education and related services when (i) the public school special education program is able to provide services comparable to those of an approved private school special education program and (ii) the student would require placement in an approved private school special education program but for the availability of the public school special education program. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Stuart*

**SB216 Virginia Economic Development Partnership Authority; Managing Director of Aerospace and Aviation.** Requires the Chief Executive Officer of the Virginia Economic Development Partnership Authority to employ, or appoint an existing employee as, a Managing Director of Aerospace and Aviation, who shall encourage, stimulate, and support the development and expansion of the aerospace and aviation industries in the Commonwealth.

*Patron - Cosgrove*

**SB241 Virginia Public Procurement Act; local labor use requirement for certain construction contracts; civil penalty.** Adds to the Virginia Public Procurement Act (§ 2.2-4300 et seq.) the requirement that every public body, when engaged in procuring contracts for construction with a projected cost in excess of \$500,000 paid for in whole by state or local funds, include in its specifications a requirement that at least 75 percent of the employees employed by contractors and subcontractors for the construction project be from the local labor market. The bill defines "local labor market" to mean every locality in Virginia and any county outside of Virginia if any portion of that county is within 50 miles of the border of Virginia. The bill provides that any contractor or subcontractor that cannot meet this requirement and has taken certain necessary steps may obtain a waiver of the requirement from the Virginia Employment Commission. The bill provides for a civil penalty in the amount of \$100 per violation for any violation by a contractor or subcontractor of any provision of the measure.

*Patron - Marsden*

**SB252 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*

**SB262 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. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Suetterlein*

**SB301 State and Local Government Conflict of Interests Act; school boards and school board employees.** Excludes Planning District 8 from the prohibition against hiring, under certain circumstances, a school division employee who is related to a member of the school board. The bill was incorporated into SB 124.

*Patron - Favola*

**SB312 Cooperative procurement of professional services; construction; solar power purchase agreements.** Allows contracting entities to contract for the provision of solar services in order to reduce energy costs. The measure authorizes any contracting entity to purchase services under a solar services agreement entered into by another contracting entity, even if it did not participate in the request for proposals, if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure specifies that terms and conditions of project agreements for the provision of solar energy that reference the terms and conditions of a master solar power purchase agreement shall be binding and effective for the life of the project agreements, whether or not the master power purchase agreement is still in effect. The bill provides that it is applicable to any solar services agreement regardless of the date of the agreement.

*Patron - Edwards*

**SB316 Department of General Services; disposition of surplus materials.** Permits employees departing state employment to purchase at fair market value mobile technology devices that an employer issued to the employee during the course of state employment. The bill requires the Virginia Information Technologies Agency to provide guidance to the Department of General Services in the development of policies, standards, and guidelines for the sale of mobile technology devices to departing state employees, including (i) the expungement of confidential data prior to the sale and (ii) the preservation of the departing employee's personal information.

*Patron - Ruff*

**SB318 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, 2019, 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, 2019, 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, 2019, 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; (iii) authorizes the Director to terminate a contract with any independent certifying entities to assist in the certification of small, women-owned, and minority-owned businesses, service disabled veteran-owned businesses, and employment services organizations based on performance or a written determination by the Director that continuing the contract is not practicable; and (iv) 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, 2022, and December 1, 2025.

*Patron - Ruff*

**SB336 Virginia Freedom of Information Act; right to speak at open meetings.** Requires that every elected public body afford an opportunity for public comment during any open meeting. The bill permits elected public bodies to choose the approximate point during the meeting when public comment will be received and to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner. Such rules shall not limit public comment to only the submission of written comments. The bill requires that the notice given by any public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received.

*Patron - Peake*

**SB337 Commission on Autism.** Establishes the Commission on Autism as an advisory commission in the executive branch of state government. The purpose of the Commission is to review and make recommendations for the improvement of services and programs for individuals with autism spectrum disorder.

*Patron - Stuart*

**SB345 State and Local Government Conflict of Interests Act; school boards and school board employees.** Allows any school district to invoke the current exemption from the prohibition against hiring, under certain circumstances, a school district employee who is related to a member of the school board. Current law limits use of the exemption to only those school districts located in Planning Districts 3, 4, 11, 12, 13, and 17. The bill was incorporated into SB 124.

*Patron - Peake*

**SB404 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, 2021, through June 30, 2023. The bill requires that the fiscal year beginning July 1, 2020, would not be a part of any biennial appropriation act (i.e., it would be a single-year transitional budget).

*Patron - McDougale*

**SB424 Virginia Gaming Commission; regulation of charitable gaming; administration of fantasy contest registrations.** Establishes the Virginia Gaming Commission (Commission) and vests the Commission with the control and regulation of charitable gaming in the Commonwealth and the administration of fantasy contest registrations. Currently the control of charitable gaming and the administration of fantasy contest registrations is vested in the Department of Agriculture and Consumer Services and the Charitable Gaming Board. The bill establishes the Virginia Gaming Fund as a special fund to

be used solely for (i) administering and enforcing charitable gaming laws and regulations and fantasy contest registrations, (ii) educating charitable organizations and players, and (iii) promoting charitable gaming in Virginia. The bill also requires the Commission 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 Commission is required to enter into a memorandum of understanding with the Department of State Police to provide for the investigation by the Department of any illegal gaming or gambling activity prohibited by Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2.

*Patron - Petersen*

**SB445 Advisory Board on Philanthropy and Social Innovation.** Establishes the Advisory Board on Philanthropy and Social Innovation as an advisory board in the executive branch of state government for the purpose of advising the Governor and Cabinet Secretaries on matters related to the promotion and development of funding partnerships between the Commonwealth and philanthropic foundations. The bill has an expiration date of July 1, 2021.

*Patron - Wexton*

**SB459 Governor's Secretaries; reporting substance abuse data and information.** Requires every Secretary to identify an agency within his secretariat to receive such data and information related to substance abuse as the Secretary may specify and requires every agency in a secretariat to report such data and information to the identified agency. This bill was incorporated into SB 580.

*Patron - Edwards*

**SB471 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 in order to enhance such installation's military value.

*Patron - Reeves*

**SB584 Virginia Public Procurement Act; service disabled veteran businesses procurement enhancement program.** Establishes a statewide service disabled veteran business procurement enhancement program. The bill establishes a statewide goal of five percent service disabled veteran business utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts.

*Patron - DeSteph*

**SB619 Virginia Human Rights Act; limitations on causes of action.** Allows courts to award front pay in addition to back pay as damages for discharging an employee in violation of the Virginia Human Rights Act (§ 2.2-3900 et seq.). The bill also removes the time period limitation on the amount of back pay awarded, allows courts to increase or diminish the award if the court finds that either party engaged in delay tactics, and increases the cap on attorney fees awarded from 25 percent of the back pay awarded to 40 percent of the back pay and front pay awarded.

*Patron - Surovell*

**SB630 Virginia Freedom of Information Act (FOIA); civil penalty.** Provides that in addition to any penalties imposed under FOIA, (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body intentionally altered or destroyed the requested public records prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by

the State Library Board, the court shall impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the Literary Fund, and (ii) if a court finds that a member of a public body voted to certify a closed meeting and at the time of such certification such certification was not in accordance with the requirements of FOIA, the court may impose on each such member voting to certify in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of \$500, which amount shall be paid into the Literary Fund.

*Patron - Surovell*

**SB650 Virginia Public Procurement Act; local preference for businesses participating in Virginia Registered Apprenticeship program.** Authorizes a locality to develop and implement a bidding system that gives preference to the lowest responsive and responsible bidder who (i) is a resident of Virginia and (ii) participates in the Virginia Registered Apprenticeship program administered by the Department of Labor and Industry.

*Patron - McPike*

**SB719 Data sharing; substance abuse data.** Establishes a Substance Abuse Data Sharing and Analytics Clearinghouse (the Clearinghouse), to be administered by the Secretary of Health and Human Resources in consultation with the Substance Abuse Data Sharing and Analytics Advisory Committee (the Advisory Committee), also created by the bill. To the extent allowed by federal law, state and local health and human services and public safety agencies are required to provide data to the Clearinghouse to be used for data analytics and analysis related to improving the efficiency and efficacy of the treatment and prevention of substance abuse, with a focus on opioid addiction and abuse. The Secretary of Health and Human Resources may also enter into agreements with private entities and public institutions of higher education to further the goals of the Clearinghouse. The bill requires the Secretary to report annually to the Governor and the General Assembly regarding the results achieved through the use of the Clearinghouse, including the identification of cost savings and policy recommendations.

The Advisory Committee shall have 14 members, consisting of three members of the House of Delegates, two members of the Senate, the Secretaries of Health and Human Resources, Public Safety and Homeland Security, and Technology, and six non-legislative citizen members representing local government, the medical profession, and community services boards. The Advisory Committee is charged with advising on all matters related to the Clearinghouse.

The bill also makes changes to the Government Data Collection and Dissemination Practices Act to codify that data sharing among state and local agencies in certain circumstances is a proper use of personal data.

This bill was incorporated into SB 580.

*Patron - Dunnivant*

**SB727 Virginia Freedom of Information Act; exemptions; courts of record; courts not of record; the Office of the Executive Secretary.** Exempts the judiciary, including courts of record, courts not of record, and the Office of the Executive Secretary of the Supreme Court of Virginia, from the provisions of the Virginia Freedom of Information Act. The bill directs the Supreme Court of Virginia to develop Rules of Court to govern public access to records in the custody of the judiciary.

*Patron - Stuart*

**SB730 Virginia Freedom of Information Act.** Clarifies that the definition of "public record" does not include records that are not prepared for or used in the transaction of

public business. The bill defines "social media account" and creates a new discretionary exemption for social media records of General Assembly members when such records relate to the use of a social media account by a member in such member's individual capacity. The bill requires the public body to be a necessary party in any enforcement proceeding.

*Patron - DeSteph*

**SB763 State and Local Government Conflict of Interests Act; school boards and school board employees.** Provides that school divisions located in Planning District 14, Commonwealth, are not subject to the prohibition against hiring, under certain circumstances, a school division employee who is related to a member of the school board. The bill was incorporated into SB 124.

*Patron - Peake*

**SB764 State and Local Government Conflict of Interests Act; school boards and school board employees.** Excludes the Cumberland County School District from the prohibition against hiring, under certain circumstances, a school division employee who is related to a member of the school board. The bill was incorporated into SB 124.

*Patron - Peake*

**SB830 Virginia Open Data Initiative Act.** Creates the Virginia Open Data Initiative Act to increase public awareness of and access to the data created by and available from state agencies. The bill provides for appointment by the Governor of a Chief Data Officer to oversee the establishment of procedures, standards, and best practices regarding the appropriate access and presentation of open data and datasets by each agency. The Chief Data Officer shall develop a dataset format standard to be used by all agencies when providing their datasets to the Chief Data Officer or when making their data available on their own websites and shall ensure that, under the standard, the datasets are accessible in a nonproprietary, machine-readable format that is compliant with state and federal law. The bill also provides for the Chief Data Officer to submit by December 31, 2019, a written report to the Governor and the General Assembly consisting of (i) the progress made on the implementation of the provisions of the bill, (ii) the effectiveness in providing open data and datasets to the public and among agencies, and (iii) the feasibility of expanding the open data initiative to the legislative and judicial branches of government. This bill was incorporated into SB 580.

*Patron - Barker*

**SB850 Virginia Public Procurement Act; small business and microbusiness procurement enhancement program.** Codifies the Governor's Executive Order 20 (2014) establishing a statewide small business and microbusiness procurement enhancement program. The bill establishes a statewide goal of 42 percent of small and microbusiness utilization in all discretionary spending by state agencies in procurement orders, prime contracts, and subcontracts. In addition, the bill provides for (i) a set-aside for competition among all small businesses for state agency purchases up to \$100,000 for goods and nonprofessional services and up to \$50,000 for professional services and (ii) a set-aside for competition among microbusinesses for purchases under \$10,000.

*Patron - Lucas*

**SB876 Virginia Freedom of Information Act; transfer of public records; definition of "custodian."** Requires a public body initiating a transfer of public records to any entity, including to any other public body, to remain the custodian of those records only if the public body has transferred the entirety of those public records. Current law requires the public body initiating a transfer of public records to remain the custodian if it has transferred possession of any public records. The bill also excludes the transfer of a portion of information contained in one public body's public record to another public body from being considered as a transfer of an entire public record. The bill also prohibits a public body from withholding a public record in its entirety on the grounds that information

contained in such public record was provided by another public body. The bill defines "custodian" for purposes of the Virginia Freedom of Information Act.

*Patron - Mason*

**[F]SB949 Virginia Public Procurement Act; Internet access service contracting; limitations; Internet neutrality and privacy.** Limits public procurement of Internet access services to service providers that meet certain requirements related to Internet neutrality and privacy.

*Patron - Wexton*

## Carried Over

**[C]HB541 Alternative treatment options for certain veterans; report.** Directs the Department of Veterans Services to consider the efficacy of alternative treatments available for the treatment of traumatic brain injury and posttraumatic stress disorder and report its findings and conclusions to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health. The bill defines "alternative treatment" as a therapeutic service that (i) is not part of the standard of medical care established by the U.S. Department of Veterans Affairs for treating traumatic brain injury or posttraumatic stress disorder but has been shown by at least one scientific or medical peer-reviewed study to have some positive effect on traumatic brain injury or posttraumatic stress disorder and (ii) is provided at the direction and under the supervision of an individual licensed by the Board of Medicine, Nursing, Counseling, Psychology, or Social Work.

*Patron - Freitas*

**[C]HB960 Virginia Economic Development Partnership Authority; marketing plan and report.** Requires the Virginia Economic Development Partnership Authority (Authority) to include in its marketing plan information as to participation in trade shows and international marketing efforts, and development of performance measures that compare Virginia's marketing efforts with those of other states. The bill also requires that the Authority's annual marketing report include information on improvements upon prior years' results in meeting the goals and objectives as stated in the marketing plan and adds the Governor and the General Assembly to the list of entities to which the Authority must present an annual marketing report.

*Patron - Yancey*

**[C]SB317 Public procurement; contracting for construction on a construction management basis.** Authorizes state public bodies and public institutions of higher education to enter into contracts for construction on a construction management basis where the estimated cost is expected to be greater than \$40 million of actual construction costs without following certain statutory procedures. Under current law, such bodies are required to comply with the procedures whenever such bodies decide to use construction management. The bill also changes the threshold for local public bodies to contract for construction using construction management from \$10 million to \$40 million. The bill also amends the components of the definition "complex project" by (i) removing references to multifaceted program, unique equipment, and specialized building systems; (ii) adding unconventional building systems; (iii) clarifying that the accelerated schedule component of the definition must be due to regulatory mandates; and (iv) requiring that any historic designation be properly registered.

*Patron - Ruff*

**[C]SB502 Virginia Public Procurement Act; Department of State Police; exemption for purchase of aviation equipment.** Exempts from competitive sealed bidding the purchase of aviation equipment by the Department of State Police for use by the Department.

*Patron - Carrico*

**[C]SB816 State and Local Government Conflict of Interests Act; disclosure by local government officers and employees.** Provides that an officer or employee of local government who has a personal interest in a transaction but who is still eligible to participate in the transaction because he is a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction need only declare his interest in the transaction at the first meeting at which the transaction is discussed and at at least one subsequent meeting thereafter. Current law requires that such interest be disclosed at each meeting of the governmental or advisory agency at which the transaction is discussed.

*Patron - Black*

## Agriculture, Animal Care, and Food

### Passed

**[P]HB286 Wineries; dogs allowed inside.** Provides that dogs may be allowed inside or on the premises of a licensed winery or farm winery, distillery, or brewery or farm brewery, except in any area used for the manufacture of food products. Current law provides that no animal shall be permitted in any area used for the manufacture of food products, with certain exceptions for guard or guide animals. This bill received Governor's recommendations.

*Patron - Bell, John J.*

**[P]HB359 Rabies; quarantine of dog after possible exposure; police dogs.** Requires a local health director, in determining whether to quarantine a dog that may have exposed a person to rabies through a bite, to weigh any proof that the dog has both a current rabies vaccination and a current certification of special training for police work, military work, or work as a first responder.

*Patron - Rush*

**[P]HB532 Industrial hemp research programs.** Authorizes the Commissioner of Agriculture and Consumer Services to undertake research through the establishment of (i) a higher education industrial hemp research program, to be managed by institutions of higher education, and (ii) a Virginia industrial hemp research program. The bill classifies all participants in any research program as either growers or processors and replaces the current licensing requirement, which requires a police background check, with a registration requirement. This bill is identical to SB 247.

*Patron - Freitas*

**[P]HB865 Pet shops; local ordinance; bond for dogs obtained from out-of-state breeder.** Authorizes any local governing body to adopt an ordinance that requires any pet shop selling dogs procured from outside the Commonwealth to furnish a bond of at least \$5,000 if it maintains for sale an average of 50 or fewer dogs per year and not more than \$30,000 if it maintains for sale an average of 51 or more dogs per year. The bill authorizes such a locality to reduce or waive the bond requirement at its discretion and to terminate the bond requirement for a pet shop that has operated without interruption for 10 years without having its bond called by the locality. The bill provides that if a pet shop ceases business operations, the locality shall have the right to call the bond and utilize the resulting funds as necessary to protect the welfare of the animals or fish from the shop.

*Patron - Orrock*

**[P]HB877 Pet shops; sale of dogs; maintenance and availability of records.** Amends the definition of "pet shop" to clarify that such entity is a "retail" establishment and requires

any pet shop that sells dogs to post a notice stating that USDA's Animal and Plant Health Inspection Service (APHIS) inspection reports are available prior to purchase. The bill requires the shop to (i) maintain a written record containing such reports and other detailed information about each dog for at least two years after the date of sale of the dog, (ii) make the record available to purchasers and other specified parties, and (iii) transmit certain information for dogs obtained from a breeder or dealer or a private or public animal shelter to the local animal control officer upon request.

*Patron - Orrock*

**HB987 Agricultural operations; nuisance.** Requires agricultural operations to be in substantial compliance, defined in the bill, with applicable laws, regulations, and best management practices in order to be exempt from becoming a public or private nuisance. The bill prohibits a person from bringing a nuisance action against any agricultural operation the existence of which was known or reasonably knowable when that person's use or occupancy of his property began. The bill also prohibits anyone other than a person with an ownership interest in the affected property from bringing an action for private nuisance and sets out certain limitations on recovery for compensatory damages. This bill is identical to SB 567.

*Patron - Gilbert*

**HB995 Tracking wounded bear, deer, or turkey.** Allows a licensed hunter to use tracking dogs to find a wounded or dead bear, deer, or turkey. The bill authorizes the hunter to have a weapon in his possession and to use it to humanely kill the tracked animal, including after legal shooting hours. The bill prohibits using the weapon to hunt, wound, or kill any animal other than the animal the hunter is tracking, except in self-defense. Current law prohibits a hunter from having a weapon in his possession while tracking.

*Patron - Byron*

**HB1087 Animal research; alternative test methods; civil penalty.** Requires a manufacturer or contract testing facility to use an alternative test method when available. An alternative test method is defined as one which (i) provides information of equivalent or better scientific quality and relevance than animal test methods, (ii) has been identified by a validation body and adopted by the relevant federal agency or program within an agency responsible for regulating the specific product or activity for which the test is being conducted, and (iii) does not use animals, or, when there is no test method available that does not use animals, uses the fewest animals possible and reduces the level of suffering or stress, to the greatest extent possible, of an animal used for testing. Such provision does not apply to a manufacturer or contract testing facility using an animal test method for the purpose of medical research or related to the development of devices, drugs, or biomedical products, or to certain other products regulated by the U.S. Food and Drug Administration. The bill authorizes the Attorney General to bring a civil action to enforce such provision. Any person who violates such provision may be subject to a civil penalty of not more than \$5,000 and any court costs and attorney fees.

*Patron - Boysko*

**HB1152 Beehive Grant Fund; basic beehive units.** Provides that any individual registered as a beekeeper with the Department of Agriculture and Consumer Services (the Department) may apply for no more than three basic beehive units per year. The bill requires the Department to process applications for such units in the order in which it receives them and to cease accepting applications if the Beehive Grant Fund is exhausted. The bill authorizes the Department to use funds from the Beehive Grant Fund to fund the purchase, construction, or distribution of the beehive units and allows the Department to work cooperatively with the Virginia Cooperative Extension Service to carry out the program.

*Patron - Wilt*

**HB1479 Equine liability; execution of waiver.** Prohibits a liability action against an equine activity sponsor if a waiver has been knowingly executed by the participant, the parent or guardian of a minor participant, or the duly authorized representative, designated in writing, of the parent or guardian. The bill provides that such waiver may be executed at a location other than that of the equine activity. The bill contains technical amendments.

*Patron - Freitas*

**HB1537 Animal boarding establishments; in-home care.** Excludes from the definition of "boarding establishment" any private residential dwelling that shelters, feeds, and waters fewer than five companion animals that are not owned by the proprietor.

*Patron - Wilt*

**HB1607 Abandonment of an animal; penalty.** Decreases from five days to four days the minimum length of time for which failing to provide the elements of basic care constitutes abandonment of an animal. The bill increases from a Class 3 misdemeanor to a Class 1 misdemeanor the penalty for abandonment of an animal.

*Patron - Fariss*

**SB247 Industrial hemp research programs.** Authorizes the Commissioner of Agriculture and Consumer Services to undertake research through the establishment of (i) a higher education industrial hemp research program, to be managed by institutions of higher education, and (ii) a Virginia industrial hemp research program. The bill classifies all participants in any research program as either growers or processors and replaces the current licensing requirement, which requires a police background check, with a registration requirement. This bill incorporates SB 333 and is identical to HB 532.

*Patron - Dance*

**SB374 Cattle Industry Board; assessment from sale of cattle.** Renames the Beef Industry Council as the Cattle Industry Board (the Board) and renames the Virginia Beef Industry Fund as the Virginia Cattle Industry Fund (the Fund). The bill simplifies the definition of the term "cattle" and reduces the size of the Board from 15 to 11 members. Beginning in 2019 and ending in 2023, the bill increases the amount of the assessment from the sale of cattle, currently at \$0.25 per head, to \$0.50 per head, with the assessment to be deposited in the Fund to support Board activities. The bill allows producers who are dissatisfied with the assessment and the Board's use of it to receive a refund and prohibits the Department of Taxation from collecting assessments that were unpaid or uncollected prior to July 1, 2018. Finally, the bill staggers the terms of the initial members appointed to the Board and distinguishes the assessment-supported Fund from the National Beef Checkoff.

*Patron - Chafin*

**SB470 Raising and processing of rabbits for sale; exemption from certain inspections.** Prohibits the Board of Agriculture and Consumer Services from requiring that commercially slaughtered or processed rabbits that are offered for sale or service be slaughtered or processed under a voluntary inspection program administered by the Department of Agriculture and Consumer Services (VDACS) or the U.S. Department of Agriculture. Such rabbits shall still be subject to applicable provisions of Chapter 51 (§ 3.2-5100 et seq.) (Food and Drink) of Title 3.2. The bill also directs the State Board of Health to adopt regulations allowing the receipt by restaurants for sale or service of rabbits that are slaughtered or processed in a facility that complies with the relevant VDACS regulations.

*Patron - Reeves*

**SB567 Agricultural operations; nuisance.** Requires agricultural operations to be in substantial compliance, defined in the bill, with applicable laws, regulations, and best management practices in order to be exempt from becoming a public or private nuisance. The bill prohibits a person from bringing a

nuisance action against any agricultural operation the existence of which was known or reasonably knowable when that person's use or occupancy of his property began. The bill also prohibits anyone other than a person with an ownership interest in the affected property from bringing an action for private nuisance and sets out certain limitations on recovery for compensatory damages. This bill is identical to HB 987.

*Patron - Obenshain*

**[SB571 Releasing agencies; notice of dangerous animal; penalty.** Requires a custodian of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon taking custody of any dog or cat from a person in the course of his official duties, to ask and document whether, if known, the dog or cat has bitten a person or other animal and the circumstances and date of such bite. The bill requires any representative of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon release of a dog or cat for (i) adoption, (ii) return to a rightful owner, or (iii) transfer to another agency, to disclose, if known, that the dog or cat has bitten a person or other animal and the circumstances and date of such bite. Violation of such requirements is a Class 3 misdemeanor.

*Patron - DeSteph*

**[SB854 Renewal of nursery stock licenses; late fee.** Imposes a \$50 late fee for a nurseryman and \$15 late fee for a dealer for failure to renew a nursery stock license within 30 days of the December 31 expiration date. The bill exempts from prosecution for a Class 1 misdemeanor for failure to renew his license under Title 3.2 (Agriculture, Animal Care, and Food) any nurseryman or dealer who pays the late fee imposed by the bill. The bill provides that any nurseryman or dealer who fails to renew his license within 30 days of the December 31 expiration date shall be considered unlicensed.

*Patron - Marsden*

**[SB996 Animal shelters; vaccinations; administration of biological products.** Authorizes the operator or custodian of a public animal shelter to vaccinate animals that are confined in such shelter to prevent the risk of communicable diseases. The bill also provides that a public or private animal shelter may purchase, possess, and administer certain Schedule VI biological products for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter and may administer such biological products only pursuant to written protocols.

*Patron - Chafin*

## Failed

**[HB14 Public animal shelters; dogs and cats; euthanasia notice.** Requires a public animal shelter to wait three days before euthanizing a dog or cat when a person has notified the shelter of his intent to adopt or take custody of the particular animal. The shelter must make reasonable efforts to accomplish the release of the dog or cat but is not required to hold the animal if it has reason to believe that the animal has seriously injured a human or the animal meets certain other specified conditions for euthanasia.

*Patron - Kory*

**[HB79 Dog boarding establishments; group play requirements; notice; penalties.** Requires an employee of a dog boarding establishment to be present at all times that a dog is able to have physical contact with another dog. The bill limits the number of dogs that may have physical contact at any given time based on certain weight classifications. Failure to adequately supervise dogs in group play is established as a Class 1 misdemeanor. The bill also requires notice of risk of group play for dogs to be given to consumers. Failure to pro-

vide notice of the risk of group play is established as a Class 3 misdemeanor.

*Patron - Yancey*

**[HB94 Dog boarding establishments; group play; penalty.** Requires an employee of a dog boarding establishment to be present at all times that a dog is able to have physical contact with another dog. Failure to adequately supervise dogs in group play is established as a Class 1 misdemeanor.

*Patron - Miyares*

**[HB270 Sale of dog or cat not obtained from releasing agency or animal rescue; prohibition.** Authorizes localities to adopt ordinances prohibiting the sale in a pet shop of any dog or cat that was not obtained from a Virginia releasing agency or a nonprofit animal rescue organization. The bill provides that a violation of the ordinance shall be a Class 1 misdemeanor.

*Patron - Boysko*

**[HB271 Control of dangerous and vicious dogs.** Alters the requirements of an owner of a dog that is determined to be dangerous or vicious. The bill establishes requirements for the pre-trial confinement of a dog believed to be dangerous and requires a court, once it has determined that a dog is dangerous or vicious or that the owner of a dangerous dog has violated the dangerous dog statute, to order the owner to pay the expenses of caring for the dog from the time it was taken into custody. The bill also sets conditions on the ownership of a dangerous dog, including by requiring the owner to obtain a registration certificate prior to the return of the animal, raising the registration renewal fee from \$85 to \$150, and removing the option of the owner to show that the dog is muzzled and confined in a fenced yard until the proper enclosure is constructed. The bill requires that (i) the mandatory warning signs at an owner's residence be visible from any place along the residence's property line, (ii) the animal be fitted with a GPS tracking device, (iii) satisfactory confinement be padlocked, and (iv) the dog's leash while off its owner's property be no more than six feet long and held by a person capable of controlling the dog. The bill raises the minimum liability insurance coverage or bond amount for the owner of a dangerous dog from \$100,000 to \$300,000.

*Patron - Cole*

**[HB425 Cruelty to animals; treatment for violations; ownership of animals.** Prohibits a person convicted of an animal cruelty violation from possession or ownership of a companion animal. Current law authorizes a court to prohibit possession or ownership at its discretion. The bill also requires a court to require any person convicted of an animal cruelty violation to attend an anger management or other appropriate treatment program or to obtain psychiatric or psychological counseling. The bill authorizes a court to not require such treatment if it finds, based on clear and convincing evidence, that such person presents no present or future likelihood of repeating the violation or of causing harm to himself or others. Current law authorizes a court to require such treatment at its discretion.

*Patron - Levine*

**[HB516 Food establishment inspections; exemptions; yogurt.** Exempts from inspections by the Commissioner of Agriculture and Consumer Services private homes where the resident processes and prepares yogurt that has an equilibrium pH value of 4.6 or lower, subject to certain conditions.

*Patron - Bell, Robert B.*

**[HB593 Cruelty to animals; equines; penalty.** Provides that any person who is convicted of a violation of the animal cruelty statute within five years; maliciously deprives any equine of necessary food, drink, shelter, or emergency veterinary treatment; and, whether through the action leading to the first conviction or the current malicious deprivation, causes the death of the equine, is guilty of a Class 6 felony.

*Patron - Gooditis*

**HB598 Virginia Grown Label program; regulations.** Directs the Department of Agriculture and Consumer Services to adopt regulations creating a Virginia Grown Label program and authorizes it to design one or more labels or logos for use, by any business or individual doing business in the Commonwealth, on (i) any agricultural product that is grown and harvested in Virginia or (ii) any aquaculture or fish product that is raised in Virginia.

*Patron - Gooditis*

**HB601 Agricultural enterprise facilities.** Authorizes the Department of Agriculture and Consumer Services (the Department) to establish agricultural enterprise facilities in rural areas of the Commonwealth, with each facility to include a commercial kitchen, a packaging and labeling facility, and an animal slaughtering facility. The bill directs the Department to locate the facilities near small-scale rural agricultural producers and to seek to establish a facility within 50 miles of every agricultural producer in the Commonwealth.

*Patron - Gooditis*

**HB630 Department of Agriculture and Consumer Services; noxious weeds; Hydrilla verticillata.** Directs the Virginia Department of Agriculture and Consumer Services to declare that Hydrilla verticillata is a noxious weed and to conduct an assessment of the build-up of water weeds, including recommendations of measures to mitigate or remove Hydrilla verticillata.

*Patron - Thomas*

**HB646 Tethering animals; adequate shelter and space.** Provides that outdoor tethering of an animal shall not meet the requirement that an animal be given adequate shelter if it occurs (i) between 10 p.m. and 6 a.m., except when the animal is engaged in conduct related to an agricultural activity; (ii) when no owner is on the property; (iii) when the temperature is 32 degrees Fahrenheit or lower or 85 degrees Fahrenheit or higher; (iv) during a heat advisory; or (v) during a severe weather warning. The bill provides that a tether shall meet the requirement that an animal be given adequate space if it is four times the length of the animal or 15 feet in length, whichever is greater, and does not cause injury or pain, contain metal chain links, or weigh more than one-tenth of the animal's body weight.

*Patron - Bell, John J.*

**HB713 Commercial dog breeders; cages.** Prohibits a commercial dog breeder from housing any dog in a cage that exposes the dog to a wire floor.

*Patron - Adams, D.M.*

**HB738 Milk Commission; wholesale prices.** Directs the Milk Commission to adopt regulations establishing fewer than seven cases as the number of cases in the highest delivery percentage for Class I fluid milk delivered to wholesale accounts. Current regulations, which set wholesale prices on a three-tiered scale, provide the highest percentage for a delivery of fewer than 14 cases of milk.

*Patron - McGuire*

**HB825 Herd shares; written shared herd ownership agreements; requirements; penalty.** Authorizes any person to enter into a written agreement with the owner of a herd of milk-producing animals to obtain an ownership interest in the owner's milking herd and any of the milking herd's unpasteurized milk production equal to the percentage ownership interest, subject to certain requirements relating to filing with the Department of Agriculture and Consumer Services, packaging, acknowledging certain dangers, and prohibiting sale or resale. The bill requires the Commissioner of Agriculture and Consumer Services and the Department of Health to investigate any illness that results from the consumption of unpasteurized milk provided pursuant to such an agreement. Any violation is a Class 1 misdemeanor, with each day of violation being counted as a separate offense. The bill authorizes the

Board of Agriculture and Consumer Services to adopt related regulations.

*Patron - Knight*

**HB889 Tethering of dogs; local ordinance.** Authorizes the governing body of any locality to adopt an ordinance restricting the tethering of a dog outdoors. The ordinance may limit the maximum number of hours or the weather conditions during which the dog may remain tethered but shall not restrict normal hunting or agricultural activities. The bill provides that its provisions shall not repeal, amend, impair, or affect any tethering ordinance adopted prior to July 1, 2018.

*Patron - Orrock*

**HB936 Neonicotinoid insecticides; prohibition.** Authorizes the Board of Agriculture and Consumer Services to restrict or prohibit the use of neonicotinoid insecticides (neonicotinoids) and prohibits, beginning July 1, 2019, the outdoor application of neonicotinoids on any property that is either owned or maintained by the Commonwealth or zoned for residential use. Such prohibition shall not apply to the use of neonicotinoids purchased before July 1, 2018, or to any facility licensed to conduct research on neonicotinoids. The bill also directs the Department of Agriculture and Consumer Services (the Department) to issue by July 1, 2020, a draft report evaluating whether scientific evidence exists to show that outdoor applications of neonicotinoids are safe for pollinators, the environment, and human health. The Department shall consider public comments on the draft and deliver its final evaluation report on neonicotinoid safety research to the Governor and to the Chairs of the Senate Agriculture, Conservation and Natural Resources Committee and the House Agriculture, Chesapeake and Natural Resources Committee by July 1, 2021.

*Patron - Lopez*

**HB951 Product safety; flame retardants; regulations; fund; civil penalty.** Prohibits the manufacture or sale in the Commonwealth, beginning July 1, 2019, of upholstered furniture intended for residential use or any product that is intended to come into close contact with a person younger than 12 years of age if such upholstered furniture or product contains any flame-retardant chemical listed in the bill. The bill requires the manufacturer of any prohibited product to notify sellers of the prohibition by March 31, 2019, and requires a manufacturer to recall by that date any products that it has sold in violation of the prohibition. Casual or isolated sales of previously owned products containing the listed chemicals are exempted from the prohibition. The bill subjects any manufacturer in the Commonwealth that manufactures a product in violation of the provisions of the bill to a civil penalty of \$5,000 for a first offense or \$10,000 for a second or subsequent offense, and it directs the funds collected to the Virginia Product Safety Fund, created by the bill. Finally, the bill directs the Board of Agriculture and Consumer Services to adopt regulations to carry out the provisions of the bill and to impose the chemical prohibition on certain other consumer products.

*Patron - Lopez*

**HB1110 Urban farming; promotion.** Directs the Department of Agriculture and Consumer Services, in cooperation with the Department of Education, the Virginia Farm Bureau, and the Virginia Municipal League, to adopt regulations to promote urban farming. The bill requires the regulations to create educational programs, support agricultural education, provide technical assistance, support the marketing of products grown on urban farms, encourage local collaboration, and promote urban farming to students.

*Patron - Yancey*

**HB1348 Cattle Industry Board; assessment from sale of cattle.** Renames the Beef Industry Council as the Cattle Industry Board (the Board) and renames the Virginia Beef Industry Fund as the Virginia Cattle Industry Fund (the Fund). The bill simplifies the definition of the term "cattle," reduces the size of the Board from 15 to seven members, and allows the Board to elect officers who are not members of the Board. The

bill increases the amount of the assessment from the sale of cattle from \$0.25 per head to \$1 per head; the assessment continues to be deposited in the Fund to support Board activities. The bill allows producers who are dissatisfied with the assessment and the Board's use of it to receive a refund. Finally, the bill distinguishes the National Beef Checkoff from the assessment-supported Fund.

*Patron - Webert*

**[F]SB212 Animal Cruelty Conviction List established.** Requires the Superintendent of State Police to establish and maintain by 2020 an Animal Cruelty Conviction List that shall be available to the public on the website of the Department of State Police. The list shall include the names of persons convicted of certain felony animal cruelty offenses on or after July 1, 2018. The bill requires persons convicted of any such offense to pay a fee of \$50 per conviction to fund the maintenance of the list. The bill requires the State Police to remove a person from the list 15 years after his information is listed if he has no additional felony conviction of a relevant animal cruelty offense.

*Patron - Stuart*

**[F]SB297 Incentives for communications companies; provision of wireless broadband services.** Directs the Tobacco Region Revitalization Commission to award at least \$10 million per year in grants to cover a portion of expenditures for the purchase and installation of wireless and broadband equipment to rural areas in the Southwest and Southside regions of the Commonwealth. The bill also establishes a sales tax exemption, which would be phased in over four years, for property sold or leased to a telecommunications company and used directly in the rendition of its public service.

*Patron - Edwards*

**[F]SB333 Industrial hemp production; authorization.** Removes all restrictions on the production of industrial hemp, including licensing and regulations. This bill was incorporated into SB 247.

*Patron - Peake*

**[F]SB599 Industrial hemp; license.** Requires the Commissioner of Agriculture and Consumer Services to create a license, with certain application, review, and operation requirements, to grow industrial hemp outside of the industrial hemp research program.

*Patron - Vogel*

**[F]SB675 Food establishment inspections; exemptions; yogurt.** Exempts from inspections by the Commissioner of Agriculture and Consumer Services private homes where the resident processes and prepares yogurt that has an equilibrium pH value of 4.6 or lower, subject to certain conditions.

*Patron - Deeds*

**[F]SB872 Tethering animals; adequate shelter and space.** Provides that outdoor tethering of a companion animal shall not meet the requirement that an animal be given adequate shelter, unless the animal is actively engaged in an agricultural or hunting activity, when it is conducted (i) when the temperature is 32 degrees Fahrenheit or lower or 85 degrees Fahrenheit or higher; (ii) during a heat advisory; or (iii) during a severe weather warning. The bill provides that a tether shall meet the requirement that an animal be given adequate space if it is four times the length of the animal or 15 feet in length, whichever is greater, and does not cause injury or pain or weigh more than one-tenth of the animal's body weight. The bill exempts agricultural animals from existing provisions related to tethering. The bill also authorizes any locality to adopt ordinances that parallel and make more stringent the state law regarding the care of companion animals.

*Patron - Spruill*

**[F]SB962 Herd shares; written shared herd ownership agreements; requirements; penalty.** Requires a person to enter into a written agreement with the owner of a herd of

milk-producing animals in order to obtain an ownership interest in the owner's milking herd and any of the milking herd's milk production equal to the percentage ownership interest, subject to certain requirements relating to provision and retention of files, packaging, acknowledging certain dangers, and prohibiting sale or resale. The bill requires the State Health Commissioner to investigate any report of illness that results from the consumption of unpasteurized milk provided pursuant to such an agreement. Any violation is a Class 1 misdemeanor, with each day of violation being counted as a separate offense.

*Patron - Obenshain*

---

## Carried Over

---

**[C]SB32 Animal Cruelty Conviction List established.** Requires the Superintendent of State Police to establish and maintain by 2020 an Animal Cruelty Conviction List that shall be available to the public on the website of the Department of State Police. The list shall include the names of persons convicted of certain felony animal cruelty offenses on or after July 1, 2018. The bill requires persons convicted of any such offense to pay a fee of \$50 per conviction to fund the maintenance of the list. The bill requires the State Police to remove a person from the list 15 years after his information is listed if he has no additional felony conviction of a relevant animal cruelty offense.

*Patron - Stanley*

**[C]SB175 Public animal shelters; dogs and cats; euthanasia notice.** Requires a public animal shelter to wait three days before euthanizing a dog or cat when a person has notified the shelter of his intent to adopt or take custody of the particular animal. The shelter must make reasonable efforts to accomplish the release of the dog or cat but is not required to hold the animal if it has reason to believe that the animal has seriously injured a human or the animal meets certain other specified conditions for euthanasia.

*Patron - Stanley*

**[C]SB217 Sale of dog or cat not obtained from releasing agency or animal rescue; prohibition.** Authorizes localities to adopt ordinances prohibiting the sale in a pet shop of any dog or cat that was not obtained from a Virginia releasing agency or a nonprofit animal rescue organization. The bill provides that a violation of the ordinance shall be a Class 1 misdemeanor.

*Patron - Lewis*

**[C]SB414 Micro Market Act; penalty.** Provides for the Department of Agriculture and Consumer Services to issue permits for the operation of a micro market, which is defined in the bill as an unattended, self-checkout retail food establishment located in the interior of a building that is accessible to a defined population, such as the employees of a particular employer or occupants of the building in which the micro market is located, and is not accessible to the general public. The bill establishes minimum standards for the operation of a micro market and provides that any person who operates a micro market without the required permit or violates a condition of such permit is guilty of a Class 1 misdemeanor.

*Patron - McDougale*

---

## Alcoholic Beverage Control Act

---

---

### Passed

---

**[P]HB422 Alcoholic beverage control; sales by brewery on licensed premises.** Requires that when a brewery licensee sells at retail the brands of beer that the brewery owns, at least 20 percent of the volume of beer sold for on-premises



consumption in any calendar year shall be manufactured on the licensed premises. The bill has a delayed effective date of January 1, 2019, with a further delayed effective date of April 30, 2022, for a brewery that has entered into (i) a performance agreement with the Commonwealth of Virginia Development Opportunity Fund on or about April 20, 2016; (ii) a performance agreement entitled "Regarding Operation Period Economic Development Grant" on or about April 20, 2016; and (iii) a commercial lease agreement on or about April 14, 2017. This bill is identical to SB 306.

*Patron - Bulova*

**HB486 Alcoholic beverage control; granting of certain mixed beverage licenses.** Provides that, notwithstanding the requirement for a referendum for liquor by the drink, the Alcoholic Beverage Control Board may issue a mixed beverage license to establishments located on property along State Route 685 approximately 1,600 feet east of the intersection of State Routes 652 and 685.

*Patron - Hurst*

**HB820 Alcoholic beverage control; delivery of wine or beer to retail licensee; wholesaler requirement.** Requires that before any wine or beer may be delivered to a retail licensee for resale, such wine or beer first be delivered to the licensed premises of a wine or beer wholesaler, unloaded from the transporting vehicle, kept on the licensed premises of the wholesaler for not less than four hours prior to reloading on a vehicle, and recorded in the wholesaler's inventory. The bill exempts any holder of a restricted wholesale wine license issued pursuant to § 4.1-207.1 from the requirement to keep the wine or beer on the licensed premises of the wholesaler for not less than four hours prior to reloading on a vehicle. This bill is identical to SB 382.

*Patron - Knight*

**HB826 Alcoholic beverage control.** Increases the alcoholic beverage general license application fee from \$65 to \$195. The bill also increases the application fee for mixed beverage special event licenses from \$15 to \$45 and increases the state tax on wine shipper's licenses, beer shipper's licenses, and wine and beer shipper's licenses from \$95 to \$230. The bill establishes that it is a Class 1 misdemeanor for (i) any person to sell wine to retailers or consumers without paying the wine excise tax or (ii) any retailer to purchase, receive, transport, store, or sell any wine on which such retailer has reason to know such tax has not been paid and may not be paid. The bill provides for a civil penalty for (a) each manufacturer or wholesaler who fails to make any return and pay the full amount of the wine excise tax or (b) each manufacturer or wholesaler who makes a false or fraudulent return, where willful intent exists to defraud the Commonwealth of any excise tax due on each liter of wine. Current law provides for these criminal and civil penalties with regard to failure to pay the excise tax imposed on beer and wine coolers but not for failure to pay the excise tax on wine. This bill is identical to SB 884.

*Patron - Knight*

**HB852 Alcoholic beverage control; substance abuse prevention; Virginia Institutions of Higher Education Substance Use Advisory Committee established.** Directs the Board of Directors of the Virginia Alcoholic Beverage Control Authority (Board) to establish and appoint members to the Virginia Institutions of Higher Education Substance Use Advisory Committee (Advisory Committee). The bill provides that the goal of the Advisory Committee shall be to develop and update a statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private institutions of higher education. The bill provides that the Advisory Committee shall consist of representatives from Virginia's public and private institutions of higher education, including students and directors of student health, and such other members as the Board may deem appropriate. This bill is identical to SB 120.

*Patron - Peace*

**HB1005 Alcoholic beverage control; wine wholesaler; primary area of responsibility.** Removes the provision that describes the "primary area of responsibility" of a wine wholesaler that enters into an agreement with a winery to sell its wine in a certain sales territory. The bill provides that its provisions shall not render valid the provision of any contract that was entered into prior to July 1, 2018, and that was void under the law in effect prior to July 1, 2018. This bill is identical to SB 174.

*Patron - Gilbert*

**HB1379 Alcoholic beverage control; records of retail licensees.** Establishes that electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board of Directors of the Virginia Alcoholic Beverage Control Authority (Board) or its special agents at the licensed premises. The bill provides that in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

*Patron - Robinson*

**HB1520 Alcoholic beverage control; exemptions from licensure; nonprofit swim clubs.** Allows any private swim club operated by a duly organized nonprofit corporation or association to allow its members to bring lawfully acquired alcoholic beverages onto the premises of such club and consume such alcoholic beverages on the premises of such club.

*Patron - Sullivan*

**HB1602 Alcoholic beverage control; confectionery license.** Creates a confectionery license, which authorizes the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. The bill provides that any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold and requires the Board of Directors of the Alcoholic Beverage Control Authority to promulgate regulations to implement the provisions of the bill, which shall include a definition of the term "confectionery" and labeling requirements for such confectionery. This bill is identical to SB 61.

*Patron - Peace*

**SB61 Alcoholic beverage control; confectionery license.** Creates a confectionery license, which authorizes the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. The bill provides that any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold and requires the Board of Directors of the Alcoholic Beverage Control Authority to promulgate regulations to implement the provisions of the bill, which shall include a definition of the term "confectionery" and labeling requirements for such confectionery. This bill is identical to HB 1602.

*Patron - Favola*

**SB120 Alcoholic beverage control; substance abuse prevention; Virginia Institutions of Higher Education Substance Use Advisory Committee established.** Directs the Board of Directors of the Virginia Alcoholic Beverage Control Authority (Board) to establish and appoint members to the Virginia Institutions of Higher Education Substance Use Advisory Committee (Advisory Committee). The bill provides that the goal of the Advisory Committee shall be to develop and update a statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private institutions of higher education. The bill provides that the Advisory Committee shall consist of representatives from Virginia's public and private institutions of higher education, including students and directors of student health, and such other members



as the Board may deem appropriate. This bill is identical to HB 852.

*Patron - Favola*

**SB174 Alcoholic beverage control; wine wholesaler; primary area of responsibility.** Removes the provision that describes the "primary area of responsibility" of a wine wholesaler that enters into an agreement with a winery to sell its wine in a certain sales territory. The bill provides that its provisions shall not render valid the provision of any contract that was entered into prior to July 1, 2018, and that was void under the law in effect prior to July 1, 2018. This bill is identical to HB 1005.

*Patron - Stanley*

**SB306 Alcoholic beverage control; sales by brewery on licensed premises.** Requires that when a brewery licensee sells at retail the brands of beer that the brewery owns, at least 20 percent of the volume of beer sold for on-premises consumption in any calendar year shall be manufactured on the licensed premises. The bill has a delayed effective date of January 1, 2019, with a further delayed effective date of April 30, 2022, for a brewery that has entered into (i) a performance agreement with the Commonwealth of Virginia Development Opportunity Fund on or about April 20, 2016; (ii) a performance agreement entitled "Regarding Operation Period Economic Development Grant" on or about April 20, 2016; and (iii) a commercial lease agreement on or about April 14, 2017. This bill is identical to HB 422.

*Patron - McDougle*

**SB382 Alcoholic beverage control; delivery of wine or beer to retail licensee; wholesaler requirement.** Requires that before any wine or beer may be delivered to a retail licensee for resale, such wine or beer first be delivered to the licensed premises of a wine or beer wholesaler, unloaded from the transporting vehicle, kept on the licensed premises of the wholesaler for not less than four hours prior to reloading on a vehicle, and recorded in the wholesaler's inventory. The bill exempts any holder of a restricted wholesale wine license issued pursuant to § 4.1-207.1 from the requirement to keep the wine or beer on the licensed premises of the wholesaler for not less than four hours prior to reloading on a vehicle. This bill is identical to HB 820.

*Patron - Chafin*

**SB486 Alcoholic beverage control; distiller licensee; samples; banquet licenses.** Allows licensed distillers to include in mixed beverages samples spirits or vermouth not manufactured on the licensed premises, provided that at least 75 percent of the alcohol used in such samples is manufactured on the premises. The bill also increases the number of banquet licenses for special events a licensed distiller may purchase per year from four to eight and allows the licensee to sell samples of spirits at such special events.

*Patron - Reeves*

**SB588 Alcoholic beverage control; annual mixed beverage special events licenses.** Allows annual mixed beverage special events licenses to be issued to localities for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality.

*Patron - Ebbin*

**SB647 Alcoholic beverage control (ABC); applications for licenses.** Removes the requirement that applicants for certain ABC licenses provide a statement, under oath, setting forth any information required by the Board of the Alcoholic Beverage Control Authority. The bill replaces such requirement with a provision that requires applicants to provide a written statement swearing and affirming that all of the information contained in the application is true.

*Patron - McPike*

**SB695 Alcoholic beverage control; Internet beer retailers.** Creates an Internet beer retailer license, establishes

the privileges of and fee for the license, and defines "Internet beer retailer."

*Patron - Lewis*

**SB769 Alcoholic beverage control; beer licenses.** Creates a retail on-premises beer license for a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products, which authorizes the licensee to sell beer for on-premises consumption in areas approved by the Virginia Alcoholic Beverage Control Board.

*Patron - Surovell*

**SB884 Alcoholic beverage control.** Increases the alcoholic beverage general license application fee from \$65 to \$195. The bill also increases the application fee for mixed beverage special event licenses from \$15 to \$45 and increases the state tax on wine shipper's licenses, beer shipper's licenses, and wine and beer shipper's licenses from \$95 to \$230. The bill establishes that it is a Class 1 misdemeanor for (i) any person to sell wine to retailers or consumers without paying the wine excise tax or (ii) any retailer to purchase, receive, transport, store, or sell any wine on which such retailer has reason to know such tax has not been paid and may not be paid. The bill provides for a civil penalty for (a) each manufacturer or wholesaler who fails to make any return and pay the full amount of the wine excise tax or (b) each manufacturer or wholesaler who makes a false or fraudulent return, where willful intent exists to defraud the Commonwealth of any excise tax due on each liter of wine. Current law provides for these criminal and civil penalties with regard to failure to pay the excise tax imposed on beer and wine coolers but not for failure to pay the excise tax on wine. This bill is identical to HB 826.

*Patron - McDougle*

## Failed

**HB102 Alcoholic beverage control; gourmet shop licensees.** Eliminates the requirement that gourmet shop licensees maintain each year an average monthly inventory and sales volume of at least \$1,000 in products such as cheeses and gourmet food.

*Patron - Head*

**HB136 Alcoholic beverage control; annual mixed beverage special events licenses.** Allows annual mixed beverage special events licenses to be issued to localities for use at special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality.

*Patron - Levine*

**HB536 Alcoholic beverage control; sales conducted at government stores established by the Alcoholic Beverage Control Board on a distiller's licensed premises; disposition of markup profits.** Provides that any reasonable markup imposed by the Alcoholic Beverage Control Board pursuant to subdivision A 2 of § 4.1-235 on spirits sold at a government store established on a distiller's licensed premises shall be retained by such distiller.

*Patron - Freitas*

**HB547 Alcoholic beverage control; brewery licensees.** Provides that brewery licensees, like farm winery licensees, may sell at retail the brands of beer that the brewery owns not only at its own premises but also at a maximum of five additional retail establishments of the licensee designated in the license.

*Patron - Freitas*

**HB550 Alcoholic beverage control; privileges of bed and breakfast licensees.** Expands the privileges of bed and breakfast licensees to include the authority to sell and serve alcoholic beverages in dining areas, private guest rooms,

and other designated areas to any person, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises. Current law only allows bed and breakfast licensees to serve alcoholic beverages in such areas to persons to whom overnight lodging is being provided. The bill limits such licensees to selling no more than (i) two five-ounce glasses of wine, (ii) two 12-ounce glasses of beer, or (iii) four ounces of straight spirits or two glasses of mixed beverages, provided that each glass of mixed beverages contains no more than two ounces of spirits, to any customer. The bill provides that bed and breakfast licensees shall not be prohibited from charging a customer for the service of alcoholic beverages separately from other expenses incurred by such customer at the bed and breakfast establishment. The bill increases from \$35 to \$150 the annual state alcoholic beverage tax for bed and breakfast licensees.

*Patron - Freitas*

**HB619 Alcoholic beverage control; interdiction; possession or consumption of alcoholic beverages by interdicted persons; repeal.** Repeals provisions allowing for a court to enter an order of interdiction prohibiting the sale of alcoholic beverages to any person who has (i) been convicted of driving any automobile, truck, motorcycle, engine, or train while intoxicated; (ii) shown himself to be a habitual drunkard; (iii) been found guilty of the illegal manufacture, possession, transportation, or sale of alcoholic beverages; or (iv) been found guilty of maintaining a common nuisance. The bill also repeals the provisions making it a Class 1 misdemeanor for (a) any person to sell alcoholic beverages to any individual when at the time of such sale he knows or has reason to believe that the individual to whom the sale is made is interdicted, (b) any person to purchase alcoholic beverages for another person when at the time of such purchase he knows or has reason to believe that the person for whom the alcoholic beverage is purchased is interdicted, or (c) any person who has been interdicted to possess any alcoholic beverages or be drunk in public. The bill contains technical amendments.

*Patron - Carroll Foy*

**HB654 Alcoholic beverage control; distiller licensee; commission from sales on licensed premises; samples; hours of operation; markup.** Requires the Alcoholic Beverage Control Authority (the Authority) to pay a licensed distiller a commission of 25 percent of the retail price of any spirits sold by the distiller at a government store on his licensed premises and prohibits the Authority from imposing a markup when reselling such spirits to the licensee. The bill allows such stores to operate on Sundays after 10:00 a.m. and allows licensed distillers to include in samples mixers consisting of other alcoholic beverages not manufactured on the licensed premises. The bill also increases the number of banquet licenses for special events a licensed distiller may purchase per year from four to eight and allows the licensee to sell samples of spirits at such special events.

*Patron - Murphy*

**HB910 Alcoholic beverage control; Beer Franchise Act.** Exempts the purchase of a brewery that manufactures less than 5,000 barrels of beer per year from the requirement that the purchaser become obligated to all of the terms and conditions of the selling brewery's agreements with distributors in effect on the date of purchase. The bill reduces from 90 to 45 the number of days in which a brewery must provide a wholesaler prior written notice of any intent to amend, terminate, cancel, or not renew any agreement. The bill reduces from 60 to 30 the number of days in which a wholesaler may attempt to rectify the condition or conditions that led the brewery to provide notice of its intent to amend, terminate, cancel, or not renew the agreement. The bill reduces from 90 to 45 the number of days in which a panel of three arbitrators have to render a decision as to the amount of reasonable compensation a brewery must pay to a wholesaler for the value of an agreement that has been amended, terminated, canceled, or not renewed. The bill provides that in the event that the brewery involved in the arbitration manufactures less than 5,000 barrels of beer per

year, the percentage of the total arbitration costs to be paid by the brewery shall equal the ratio of the brewery's annual sales to the wholesaler to the wholesaler's annual beer purchases. Current law requires that the costs of the arbitration in all situations be paid one-half by the wholesaler and one-half by the brewery. The bill contains an emergency clause. The bill contains technical amendments.

*Patron - Landes*

**HB1299 Alcoholic beverage control; spirit samples.** Increases the single sample size for tastings of spirits to one ounce, or two ounces when served as a mixed beverage. The bill also eliminates the requirements that (i) no more than four total samples of alcoholic beverage products or, in the case of spirits samples, no more than three ounces of spirits shall be given or sold to any person per day and (ii) a method be used to track the consumption of spirits samples consumed by each consumer.

*Patron - Fariss*

**HB1400 Alcoholic beverage control; distiller licensee; commission for sales on licensed premises.** Requires the Alcoholic Beverage Control Authority to pay a licensed distiller a commission of 20 percent of the retail price of any spirits sold by the distiller at a government store on the licensed premises.

*Patron - Head*

**HB1432 Alcoholic beverage control; definition of "day spa."** Removes the requirement that in order to qualify as a day spa for ABC purposes, a commercial establishment must offer to the public both licensed massage therapy and licensed barbering or cosmetology services. The bill provides that a commercial establishment qualifies as a day spa so long as the commercial establishment offers to the public licensed barbering or cosmetology services.

*Patron - Plum*

**HB1484 Alcoholic beverage control; distiller's license; remote store location and tasting room.** Allows a distiller licensee who operates a government store for the sale of spirits to add to the license one additional location that is not on the licensed premises (i) to conduct tastings and (ii) for the sale of spirits.

*Patron - Cline*

**HB1519 Alcoholic beverage control; definition of "day spa."** Removes the requirement that in order to qualify as a day spa for ABC purposes, a commercial establishment must offer to the public both licensed massage therapy and licensed barbering or cosmetology services. The bill provides that a commercial establishment qualifies as a day spa so long as the commercial establishment offers to the public licensed barbering or cosmetology services.

*Patron - Head*

**HB1541 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 a requirement that at least 60 percent of the licensee's annual gross revenue be from the sale of premium tobacco products. The bill also defines "cigar shop" and sets out the state and local license taxes for this license.

*Patron - Landes*

**SB233 Alcoholic beverage control; point-of-sale advertising limit.** Increases from \$40 to \$99 the amount per item a manufacturer or its authorized vendor and a wholesale wine and beer licensee may lend, buy for, or give to a retail licensee for alcoholic beverage advertising material.

*Patron - Hanger*

**SB467 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 a requirement that at least 60 percent of the licensee's annual gross revenue be from the sale of premium tobacco products. The bill also defines "cigar shop" and sets out the state and local license taxes for this license.

*Patron - Reeves*

**[F]SB482 Alcoholic beverage control; spirit samples.** Increases the amount of spirits that may be offered as a sample at government stores and special events from one-half ounce to one ounce and the amount that can be offered in a mixed drink from one and one-half ounces to two ounces. The bill eliminates the prohibition on providing more than four samples of alcoholic beverage products or, in the case of spirits samples, more than three ounces of spirits to any person per day and removes the requirement that distillers use a method to track the consumption of each consumer.

*Patron - Reeves*

**[F]SB483 Alcoholic beverage control; distiller's license; remote store location and tasting room.** Allows a distiller licensee who operates a government store for the sale of spirits to add to the license one additional location that is not on the licensed premises (i) to conduct tastings and (ii) for the sale of spirits.

*Patron - Reeves*

**[F]SB484 Alcoholic beverage control; distiller licensee; commission for sales on licensed premises.** Requires the Alcoholic Beverage Control Authority to pay a licensed distiller a commission of 20 percent of the retail price of any spirits sold by the distiller at a government store on the licensed premises.

*Patron - Reeves*

**[F]SB756 Alcoholic beverage control; conduct not prohibited; donations of beer by brewery licensees to charitable nonprofit mixed beverage special event licensees or banquet licensees.** Provides that any brewery licensee may donate beer that it has manufactured and any (i) mixed beverage special events licensee or (ii) banquet licensee that is a charitable nonprofit corporation or association that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code may accept and serve such beer for on-premises consumption at the licensed charitable special event. The bill also permits brewery licensees to sponsor charitable events.

*Patron - Sturtevant*

**[F]SB803 Alcoholic beverage control; sales conducted at government stores established by the Alcoholic Beverage Control Board on a distiller's licensed premises; disposition of markup profits.** Provides that any reasonable markup imposed by the Alcoholic Beverage Control Board pursuant to subdivision A 2 of § 4.1-235 on spirits sold at a government store established on a distiller's licensed premises shall be retained by such distiller. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Reeves*

## Carried Over

**[C]SB773 Alcoholic beverage control (ABC); food-to-beverage ratio.** Reduces the current 45 percent food-to-beverage ratio for mixed beverage licensees. The bill requires that a mixed beverage restaurant, caterer's, or limited caterer's licensee meet or exceed the following: (i) for such licensees with monthly food sales of at least \$4,000 but less than \$10,000, the food-to-beverage ratio shall be 35 percent; and (ii) for such licensees with monthly food sales of at least \$10,000, there shall be no food-to-beverage ratio requirement imposed.

*Patron - DeSteph*

## Aviation

### Passed

**[P]HB453 Airport boards and authorities; funding transparency.** Requires any (i) airport board or authority created by a locality or group of localities and (ii) public use privately owned airport that receives funding from the Department of Aviation or Virginia Aviation Board to keep records and submit a public report regarding the receipt and disbursement of such funds.

*Patron - Yancey*

**[P]HB799 Public aircraft; definition.** Provides that the definition of "public aircraft" includes any fighter or attack jet, defined in the bill, that is leased or owned by a private entity, provided that the aircraft operations are conducted exclusively for the purpose of military combat training in service to the federal government. The bill has an expiration date of September 1, 2023. This bill is identical to SB 213.

*Patron - Stolle*

**[P]SB213 Public aircraft; definition.** Provides that the definition of "public aircraft" includes any fighter or attack jet, defined in the bill, that is leased or owned by a private entity, provided that the aircraft operations are conducted exclusively for the purpose of military combat training in service to the federal government. The bill has an expiration date of September 1, 2023. This bill is identical to HB 799.

*Patron - Cosgrove*

**[P]SB307 Department of Aviation; unmanned aircraft systems.** Directs the Department of Aviation to convene a work group with stakeholders to explore issues related to unmanned aircraft system activities in coordination with the Federal Aviation Administration and other responsible federal agencies. The bill defines "unmanned aircraft" and "unmanned aircraft system" for application to Title 5.1 (Aviation), but such definitions shall not become effective unless reenacted by the 2019 Session of the General Assembly.

*Patron - Cosgrove*

## Behavioral Health and Developmental Services

### Passed

**[P]HB155 Clinics for the treatment of opioid addiction; location.** Provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location if the facility is within one-half mile of a public or private licensed day care center or a public or private K-12 school in Henrico County or the City of Richmond and has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license. This bill is identical to SB 329. This bill received Governor's recommendations.

*Patron - McQuinn*

**[P]HB569 Department of Behavioral Health and Developmental Services; report on suicide prevention activities.** Requires the Commissioner of Behavioral Health and Developmental Services to report annually by December 1 to the Governor and the General Assembly on the Department's activities related to suicide prevention across the lifespan.

*Patron - Gooditis*

**[P]HB813 Direct support professional workforce; recommendations and report.** Directs the Department of Behavioral Health and Developmental Services, in conjunction with the Department for Aging and Rehabilitative Services, the Department of Medical Assistance Services, the Department of Social Services, the Virginia Association of Community Services Boards, the Virginia Network of Private Providers, and other relevant provider organizations and stakeholders, to convene a work group in support of the Joint Commission on Health Care's efforts to improve the quality of the Commonwealth's direct support professional workforce and, if necessary, develop recommendations for policy changes to increase the transparency of the employment history of direct support professional job candidates. Recommendations are to be reported to the Joint Commission on Health Care by October 1, 2018.

*Patron - Hope*

**[P]SB267 Sexually violent predators; assessment protocol.** Provides that each month the Director of the Board of Corrections (the Director) shall review a database of prisoners convicted of sexually violent offenses and, using an evidence-based assessment protocol approved by the Director and the Commissioner of Behavioral Health and Developmental Services (the Commissioner), identify all such prisoners who appear to meet the definition of a sexually violent predator and are scheduled for release from prison within 24 months from the date of such review. Current law specifies that the assessment protocol to be used is the Static-99 or a comparable, scientifically validated instrument designated by the Commissioner. The bill also requires the Commissioner to report to the Chairmen of the House Committees on Appropriations and Courts of Justice, the Senate Committees on Courts of Justice and Finance, and the Crime Commission on (i) the assessment protocol approved by the Director and the Commissioner, including the specific screening instrument adopted and the criteria used to determine whether a prisoner meets the definition of a sexually violent predator and (ii) the number of prisoners screened and the number of prisoners identified as meeting the definition of a sexually violent predator and referred for assessment. The report shall also include a comparison of the number of prisoners identified as appearing to meet the definition of a sexually violent predator and referred for assessment in the previous year and the five years immediately prior thereto. This bill received Governor's recommendations.

*Patron - Howell*

**[P]SB329 Clinics for the treatment of opioid addiction; location.** Provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location if the facility is within one-half mile of a public or private licensed day care center or a public or private K-12 school in Henrico County or the City of Richmond and has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license. This bill incorporates SB 455 and is identical to HB 155.

*Patron - Dunnivant*

**[P]SB555 Barrier crimes; adult substance abuse and mental health treatment providers.** Provides that a community services board or a substance abuse or mental health treat-

ment provider licensed by the Department of Behavioral Health and Developmental Services may hire for compensated employment at an adult substance abuse or mental health treatment program a person who was convicted of burglary.

*Patron - Mason*

**[P]SB673 Emergency custody; time period.** Repeals the June 30, 2018, sunset on provisions authorizing a community services board to continue to attempt to identify a facility other than a state hospital that is able and willing to provide temporary detention and appropriate care to an individual who is subject to an emergency custody order for up to four hours after the period of emergency custody has run.

*Patron - Deeds*

**[P]SB762 Board of Behavioral Health and Developmental Services; definition of "licensed mental health professional."** Directs the State Board of Behavioral Health and Developmental Services (State Board) to amend regulations governing licensure of providers of behavioral health services to include behavior analysts in the definition of "licensed mental health professional." The bill directs the State Board to promulgate regulations to implement the provisions of the act to be effective within 280 days of its enactment.

*Patron - Barker*

## Failed

**[F]HB118 Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.** Requires the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, to (i) select, with input from an advisory committee that the bill establishes, language development milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

*Patron - Kory*

**[F]HB232 Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.** Requires the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, to (i) select, with input from an advisory committee that the bill establishes, language development milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

*Patron - Tyler*

**HB324 Closure of the Southwestern Virginia Training Center prohibited.** Provides that the Southwestern 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 - Campbell*

**HB325 Closure of the Southwestern Virginia Training Center and the Central Virginia Training Center prohibited.** Provides that the Southwestern Virginia Training Center and the Central 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 - Campbell*

**HB479 Barrier crimes; adult substance abuse and mental health treatment providers.** Provides that a substance abuse or mental health treatment provider licensed by the Department of Behavioral Health and Developmental Services or a community services board or behavioral health authority may hire for compensated employment at an adult substance abuse or mental health treatment program a person who was convicted of any barrier crime, provided that the criminal behavior was substantially related to the person's substance abuse or mental illness and the person has been successfully rehabilitated and is not a risk to individuals receiving services.

*Patron - McQuinn*

**HB806 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*

**HB815 Individuals receiving services; right to unmonitored communication and access to 911.** Provides that each individual receiving services in a hospital, training center, or other facility or program operated, funded, or licensed by the Department of Behavioral Health and Developmental Services shall be allowed to send and receive sealed letter mail and make and receive at least one telephone call per week without such mail or call being monitored by the staff and shall be afforded access in emergency situations to a telephone to place 911 emergency service calls.

*Patron - Levine*

**HB848 Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.** Requires the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, to (i) select, with input from an advisory committee that the bill establishes, language development milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

*Patron - Ingram*

**HB884 Treatment pursuant to judicial order; when provider not liable.** Provides that a health care professional or licensed hospital shall not be liable for any cause of action arising from a claim that a person who received treatment pursuant to an emergency custody, temporary detention, or involuntary commitment order was not capable of consenting to such treatment or from a claim that a person who consented to treatment lacked the capacity to consent, if a judge or special justice has denied a petition for an emergency custody, temporary detention, or involuntary commitment order.

*Patron - Stolle*

**HB893 Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.** Requires the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, to (i) select, with input from an advisory committee that the bill establishes, language development milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

*Patron - Webert*

**HB933 Mandatory outpatient treatment; time period.** Extends the time period for mandatory outpatient treatment for adults and juveniles from 90 days to 180 days.

*Patron - Hope*

**HB935 Mandatory outpatient treatment; consent.** Eliminates the requirement that a person agree to abide by the plan for mandatory outpatient treatment before mandatory outpatient treatment may be ordered.

*Patron - Hope*

**HB1100 Appeal of involuntary admission order; possession of firearms.** Provides that a person who is involuntarily admitted or ordered to mandatory outpatient treatment may not purchase, possess, or transport a firearm until his right to do so is restored by a court regardless of the outcome of any appeal of that order.

*Patron - Levine*

**HB1410 Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.** Requires the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, to (i) select, with input from an advisory committee that the bill establishes, language development milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who

are not deaf or hard of hearing and make such report available to the public on its website.

*Patron - Helsel*

**HB1421 Closure of the Central Virginia Training Center prohibited.** Provides that the Central Virginia Training Center shall not be closed and shall instead remain open.

*Patron - Garrett*

**HB1449 Reduce or eliminate the waiting list for the Family and Individual Support Waiver.** Directs the Department of Medical Assistance Services to take measures to reduce or eliminate the Family and Individual Support Waiver waiting list for individuals who meet the Priority One criteria established by the Department.

*Patron - Guzman*

**HB1487 Mental health services in local and regional correctional facilities.** Requires the Board of Corrections to adopt standards for mental health services in local and regional correctional facilities, which shall include a requirement that (i) the sheriff of every county and city in which a local correctional facility is located enter into an agreement with the community services board serving that county or city for the delivery of mental health and substance abuse services in the local correctional facility and (ii) the administrator of every regional correctional facility enter into an agreement with the community services board or boards serving the counties and cities participating in the regional correctional facility for the delivery of mental health and substance abuse services in the regional correctional facility. The bill also requires community services boards to provide mental health and substance abuse services to individuals in local and regional correctional facilities and establishes a procedure for the delivery of services to individuals released from local and regional correctional facilities by the community services board serving the local or regional correctional facility or the community services board serving the county or city in which the individual will reside upon his release.

*Patron - Stolle*

**HB1507 Patient-Centered Medical Home Advisory Council; opioid addiction treatment pilot.** 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 Secretary of Health and Human Services and the agencies within his secretariat on health care reforms designed to increase access to and improve outcomes of treatment and recovery services for opioid addiction and opioid-related disorders through the use of a patient-centered medical home system.

The bill also requires the Department of Behavioral Health and Developmental Services, in partnership with community services boards, a hospital licensed in the Commonwealth, and telemedicine networks, to establish a two-year pilot program in Planning District 12 designed to provide comprehensive treatment and recovery services to uninsured or underinsured individuals suffering from opioid addiction or opioid-related disorders. The bill requires the Department and its partners to collaborate with the Patient-Centered Medical Home Advisory Council to develop the pilot program.

*Patron - Adams, L.R.*

**SB225 Opioid addiction treatment pilot.** Requires the Department of Behavioral Health and Developmental Services, in partnership with community services boards, a hospital licensed in the Commonwealth, and telemedicine networks, to establish a two-year pilot program in Planning District 12 designed to provide comprehensive treatment and recovery services to uninsured or underinsured individuals suffering from opioid addiction or opioid-related disorders. The bill requires the Department and its partners to collaborate with a work group established by the Department of interested stake-

holders to develop the pilot program. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Stanley*

**SB455 Clinics for the treatment of opioid addiction; location.** Provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location an existing facility when the facility is currently located within one-half mile of a public or private licensed day care center or a public or private K-12 school in the City of Richmond, has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license, and, upon issuance of the license, will be operated by a behavioral health authority. This bill was incorporated into SB 329.

*Patron - McClellan*

**SB878 Mental health services in local and regional correctional facilities.** Requires the Board of Corrections to adopt standards for mental health services in local and regional correctional facilities, which shall include a requirement that (i) the sheriff of every county and city in which a local correctional facility is located enter into an agreement with the community services board serving that county or city for the delivery of mental health and substance abuse services in the local correctional facility and (ii) the administrator of every regional correctional facility enter into an agreement with the community services board or boards serving the counties and cities participating in the regional correctional facility for the delivery of mental health and substance abuse services in the regional correctional facility. If a sheriff contracts with an entity other than a community services board for the provision of mental health and substance abuse services, the sheriff may continue to use such alternative service. The bill also requires community services boards to provide mental health and substance abuse services to individuals in local and regional correctional facilities and establishes a procedure for the delivery of services to individuals released from local and regional correctional facilities by the community services board serving the local or regional correctional facility or the community services board serving the county or city in which the individual will reside upon his release. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Dunnivant*

**SB977 Definition of "training center."** Defines "training center" as a regional facility operated by the Department of Behavioral Health and Developmental Services certified by the Centers for Medicare and Medicaid Services (CMS) as an intermediate care facility for individuals with intellectual disability.

*Patron - Peake*

**JSJ14 Study; alternative models of emergency custody and temporary detention; report.** Directs the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century to study alternative models of emergency custody and temporary detention. In conducting its study, the joint subcommittee shall (i) identify alternative models of emergency custody and temporary detention, including Florida's Baker Act; (ii) evaluate such alternative models to identify the potential costs and benefits of such models; and (iii) make recommendations for changes to the Commonwealth's current model of emergency custody and temporary detention to improve outcomes for individuals in need of emergency custody and temporary detention and to improve public safety.

*Patron - Edwards*

## Carried Over

**[C]SB461 Direct service providers; disclosure of information by employers.** Provides that a current or former employer of a direct service provider may disclose information about the direct service provider's employment to a prospective employer of the direct service provider upon receipt of written, signed consent of the direct service provider and establishes requirements related to such written consent.

*Patron - Dance*

**[C]SB835 Closure of the Central Virginia Training Center prohibited.** Provides that the Central Virginia Training Center shall not be closed and shall instead remain open.

*Patron - Peake*

## Civil Remedies and Procedure

### Passed

**[P]HB128 Motion or petition for rule to show cause for violation of court order.** Provides that, in any civil action in a court of record, a party requesting a rule to show cause for a violation of a court order shall file a motion or petition, which may be on a form prescribed by the Office of the Executive Secretary, with the court, which shall include facts identifying with particularity the violation or which shall be accompanied by an affidavit setting forth such facts. The introduced bill was a recommendation of the Boyd-Graves Conference.

*Patron - Miyares*

**[P]HB162 Proceeds of a sale, a partition suit, or condemnation proceeding; persons under a disability; special needs trust.** Increases the amount of funds that a court can distribute, without the intervention of a fiduciary, to a person under a disability who is the recipient of those funds pursuant to a suit for the sale or lease of lands, a partition suit, or condemnation proceedings. The bill further provides that such funds may be distributed to a special needs trust at the request of an appointed fiduciary or guardian ad litem of the person under a disability or upon the court's own motion.

*Patron - Ware*

**[P]HB311 Unlawful detainer; foreclosure.** Provides that a former owner who remains in possession of a single-family residential dwelling unit on the date of a foreclosure sale becomes a tenant at sufferance. The bill further provides that the successor owner may file an unlawful detainer action three days after giving the tenant written termination notice. Finally, the bill provides that the tenant shall be responsible for payment of fair market rental from the date of the foreclosure until the date the tenant vacates the dwelling unit, as well as damages, and for payment of reasonable attorney fees and court costs.

*Patron - Simon*

**[P]HB481 Deferral of jury service; students.** Allows a court to defer a person's jury service to a later term of court if such person is enrolled as a full-time student and is attending classes at an accredited public or private institution of higher education.

*Patron - Bell, Robert B.*

**[P]HB856 Unlawful detainer; execution of writ of possession.** Permits a judge, upon request of the plaintiff, to issue a writ of possession immediately upon entry of judgment in an unlawful detainer case. The bill requires the sheriff to serve notice of the writ, including the date and time of eviction, on the defendant at least 72 hours prior to execution of the writ. The bill further provides that a sheriff shall not evict the defen-

dant from the dwelling unit sooner than the expiration of the defendant's 10-day appeal period.

*Patron - Peace*

**[P]HB976 Compensation for wrongful incarceration for a felony conviction.** Clarifies the process by which a person who has been awarded compensation for wrongful incarceration requests the payment of a transition assistance grant of \$15,000 from the Criminal Fund. The bill provides that such grant shall be disbursed to such person within 30 days of receipt of a written request for disbursement by the Executive Secretary of the Supreme Court of Virginia. Current law does not specify the process by which the person wrongfully incarcerated requests and receives such grant.

*Patron - Guzman*

**[P]HB1023 Issuance of foreign subpoenas; clerk of court.** Provides that no foreign subpoena issued in the Commonwealth pursuant to the Uniform Interstate Depositions and Discovery Act (§ 8.01-412.8 et seq.) may be issued by any person other than the applicable circuit court clerk of court in the Commonwealth. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Adams, L.R.*

**[P]HB1212 Pro se minors; signing of pleading, motion, or other paper by next friend.** Provides that a minor who is not represented by an attorney shall sign his pleading, motion, or other paper by his next friend. The bill further provides that either or both parents of such minor may sign on such minor's behalf as his next friend, unless such signature is otherwise prohibited by § 64.2-716 of the Uniform Trust Code.

*Patron - Cline*

**[P]HB1454 Civil immunity; programs for probationers; nonprofit corporation officials; worksite supervisors.** Extends to state personnel and nonprofit corporation employees or officials the civil immunity afforded to probation officers, court personnel, county, city, and town personnel, public officials, and private volunteers who participate in programs where persons on probation or community service are ordered as a condition of probation or community service to perform certain tasks. The bill provides that the civil immunity afforded to nonprofit corporation employees or officials does not extend to acts or omissions resulting from gross negligence or willful misconduct. The bill adds to the list of services covered by such immunity those services performed that are assigned by such probation officers, court personnel, state, county, city, or town personnel, public officials, nonprofit corporation employees or officials, or private volunteers acting as approved worksite supervisors of a court-approved voluntary jail diversion program.

*Patron - Campbell*

**[P]HB1511 Service of process; investigator employed by an attorney for the Commonwealth or Indigent Defense Commission.** Provides that certain investigators employed by an attorney for the Commonwealth or by the Indigent Defense Commission while engaged in the performance of their official duties shall not be considered a party or otherwise interested in the subject matter in controversy and, thus, are authorized to serve process, provided that the sheriff in the jurisdiction where process is to be served has agreed that such investigators may serve process.

*Patron - Mullin*

**[P]SB14 Service of process on county attorney.** Removes the requirement that in an action against a supervisor, county officer, employee, or agent of the county, each member of the county board be served; instead, only the county attorney, or the clerk of the county board if there is no county attorney, and the defendant need to be served.

*Patron - Petersen*



**[P]SB71 Service of process on domestic limited liability company.** Extends to domestic limited liability companies the rules for service of process on a domestic corporation.  
*Patron - Black*

**[P]SB108 Orders of publication to enforce tax lien; limited-value property.** Provides that an order of publication for the enforcement of a lien for taxes owed on real property that has a value of \$50,000 or less need be published only once. Under current law, such order is required to be published at least once a week for two successive weeks.  
*Patron - Lucas*

**[P]SB487 Virginia Fraud Against Taxpayers Act; civil penalties; rate of inflation.** Raises the amounts for the civil penalties in the Virginia Fraud Against Taxpayers Act from not less than \$5,500 and not more than \$11,000 to not less than \$10,957 and not more than \$21,916. The bill also provides that these amounts shall automatically increase as prescribed by the Federal False Claims Act, in which the civil penalties are adjusted to the rate of inflation.  
*Patron - Edwards*

**[P]SB535 Personal injury claim; disclosure of insurance policy limits.** Provides that in a civil action for personal injuries sustained from a motor vehicle accident, regardless of the amount of losses sustained by an injured person, an insurance company shall disclose the policy limits of an alleged tortfeasor who has been convicted of an offense of driving under the influence within 30 days of a request for such disclosure.  
*Patron - Obenshain*

**[P]SB536 Medicare, Medicaid, and CHIP; duty of in-network providers to submit claims.** Extends the duty of in-network providers of health care services to submit claims to an insurer for health care provided to an individual covered by Medicare, Medicaid, or CHIP within a specified time period.  
*Patron - Obenshain*

## Failed

**[F]HB70 Immunity of employers; employees and independent contractors convicted of a nonviolent offense; negligent hiring.** Provides that no cause of action for negligent hiring against an employer shall arise solely because such employer hired an employee or independent contractor convicted of a nonviolent offense.  
*Patron - Webert*

**[F]HB87 Pro se minors; signing of pleading, motion, or other paper by next friend.** Provides that a minor who is not represented by an attorney shall sign his pleading, motion, or other paper by his next friend. The bill further provides that either or both parents of such minor may sign on such minor's behalf as his next friend.  
*Patron - Bulova*

**[F]HB201 Restitution; enforcement.** Provides that the enforcement of an order of restitution docketed as a civil judgment is not subject to any statute of limitations.  
*Patron - Mullin*

**[F]HB209 Duty to take reasonable precautions; criminal conduct of a third party.** Provides that any person owning, operating, or managing (i) a commercial property used primarily for business purposes or (ii) residential real property that is owned by a person who owns five or more dwelling units that are used primarily for rental as a dwelling unit shall have the duty to take reasonable precautions to protect the tenants, other authorized occupants, or guests or invitees of such property against injury caused by the criminal conduct of a third party, if the danger of injury by such conduct is known to such owner, operator, or manager or is reasonably foreseeable.

The bill provides that the same duty applies to any private security services business contracted to provide services to such person owning, operating, or managing such property.  
*Patron - Mullin*

**[F]HB273 Civil liability for sale or transfer of a firearm; background check.** Provides that a person is civilly liable for injuries to person or property or wrongful death of another caused by a third party if it can be shown that the civil defendant sold or transferred a firearm to the person who committed the crime resulting in injury or death without obtaining a background check and verification that the transferee was not prohibited from possessing a firearm.  
*Patron - Boysko*

**[F]HB323 Personal injury; loss of consortium claims by certain relatives.** Creates a cause of action for loss of consortium, the damages for which are specified in the bill, for (i) spouses of persons, (ii) parents of minor children, and (iii) adult children of persons who suffer personal injuries as a result of negligence.  
*Patron - Campbell*

**[F]HB385 Health care providers; meeting, trial, and deposition charges.** Provides that, in any case, a health care provider may only charge a patient or the patient's attorney, executor or administrator, or authorized insurer a reasonable fee on an hourly basis for such health care provider's actual time spent at or preparing for (i) a meeting related to pending or probable litigation, (ii) a trial, or (iii) a deposition. The bill further specifies that such fee shall not be more than the amount of actual lost revenue incurred due to such time spent at or preparing for such meeting, trial, or deposition.  
*Patron - Habeeb*

**[F]HB587 Consumer arbitration; private arbitration company; information reporting requirement.** Requires a private arbitration company, as defined in the bill, to collect, maintain, and make available to the public on a searchable website certain information related to arbitrations such company facilitates between consumers and nonconsumers. The bill further requires that such information be published on an annual basis by February 1 for the preceding calendar year and be maintained as long as such private arbitration company is in business. The bill provides that any private arbitration company that is authorized or registered by or with the State Corporation Commission to transact business in the Commonwealth shall have such authority revoked or canceled for failing to comply with the requirements specified in the bill.  
*Patron - Krizek*

**[F]HB642 Legal notices; online publications.** Provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may instead be published in an online publication. The bill further specifies the requirements for such online publication.  
*Patron - Hope*

**[F]HB704 Arbitration agreements; unconscionable and unenforceable provisions; sexual harassment and sexual assault.** Provides that any provision of an arbitration agreement that has the purpose or effect of concealing the details regarding a claim of sexual harassment or sexual assault is unconscionable and unenforceable.  
*Patron - Delaney*

**[F]HB728 Newspapers; legal notices and publications; requirements.** Alters the requirements for newspapers that may be used for legal notices and publications by (i) changing the publication and circulation requirement from 24 consecutive weeks to at least 50 of the preceding 52 weeks; (ii) requiring that such a newspaper have both a general circulation in, as newly defined in the bill, and news coverage of the area in which such notice is required to be published; and (iii) requir-



ing that such newspaper publish the United States Postal Service Statement of Ownership in such newspaper at least once per calendar year and maintain a copy of such form for inspection. The bill makes additional changes to the options available for allowing a newspaper to qualify as a newspaper that may be used for publishing such legal notices and publications.

*Patron - Head*

**HB742 Jurisdiction of claim; plaintiff's motion to amend claim amount; transfer of matter.** Provides that, where a matter is pending in either the general district court or the circuit court, upon motion of the plaintiff seeking to amend the amount of the claim, the court shall order transfer of the matter to the court having jurisdiction over the claim without requiring a dismissal of the claim or a nonsuit. The bill further provides that, where such an amended claim provides the general district court and the circuit court with concurrent jurisdiction over such a claim, the court shall transfer the matter to either the general district court or the circuit court, as directed by the plaintiff, provided that such court otherwise has jurisdiction over the matter.

*Patron - Leftwich*

**HB843 Standards for testimony of expert witnesses.** Adopts two additional standards for admission of expert testimony found in Rule 702 of the Federal Rules of Evidence by (i) requiring that the expert's testimony be the product of reliable principles and methods and (ii) requiring that the expert has reliably applied the principles and methods to the facts of the case. The bill also codifies the requirement that the expert's testimony be based on sufficient facts or data (as recognized in *Forbes v. Rapp*, 269 Va. 374, 611 S.E.2d 592 (2005)). The bill does not change the current requirement that the expert's scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or determining a fact in issue.

*Patron - Collins*

**HB858 Scope of discovery; deposing certain corporate officers.** Provides that parties to a civil action may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter and proportional to the needs of the case. The bill states that a determination of whether discovery is unduly burdensome or expensive shall include consideration of whether the burden or expense of the proposed discovery outweighs its likely benefits.

The bill further provides that when an officer, as defined in the bill, who is called as a deposition witness files a motion for a protective order because the discovery sought by the deposition is obtainable from some other source that is more convenient, less burdensome, or less expensive, the burden shall be on the party seeking the deposition to defeat such a motion by showing that (i) there is a reasonable indication that the officer's deposition is calculated to lead to the discovery of admissible evidence, (ii) the officer has unique or superior personal knowledge of discoverable information that cannot be discovered through means other than a deposition, and (iii) deposition of a representative other than the officer or other methods of discovery are unsatisfactory, insufficient, or inadequate.

*Patron - Peace*

**HB895 Statute of limitations; discovery rule.** Provides that the period of limitations for filing a cause of action for injury resulting from toxic substance exposure or prescribed or over-the-counter medications accrues from the time the person knew or should have known of the injury and its causal connection to such exposure or medication, respectively.

*Patron - Habeeb*

**HB1203 Nonsuits; recommencement of action.** Decreases the time period in which a plaintiff who takes a voluntary nonsuit may recommence this action from six months to 14 days from the date the nonsuit was entered. The bill does

not change the provision allowing for recommencement of the action within the original period of limitation, if longer than 14 days from the date the nonsuit was entered. The bill further provides that a plaintiff who has taken a voluntary nonsuit shall serve the defendant within three months of the recommencement of the action. The bill contains a technical amendment.

*Patron - Cline*

**HB1288 Personal injury actions; situations of peril created by plaintiff's negligence.** Provides that a plaintiff shall not be able to recover against a defendant in a personal injury action solely due to the defendant's failure to avoid a situation of peril created by the plaintiff's negligence.

*Patron - LaRock*

**HB1304 Uninsured and underinsured motorist insurance policies; bad faith.** Provides that if an insurance company denies, refuses, or fails to pay its insured, or refuses a reasonable settlement demand within the policy's coverage limits for a claim for uninsured or underinsured motorist benefits within a reasonable time after being presented with a demand for such benefits and it is subsequently found that such denial, refusal, or failure was not in good faith, then the insurance company shall be liable to the insured for the full amount of the judgment and reasonable attorney fees, expenses, and interest.

*Patron - Habeeb*

**HB1305 Recovery of punitive damages.** Eliminates the limitation of the total amount of punitive damages that can be awarded in an action. Current law provides that the total amount awarded for punitive damages shall not exceed \$350,000.

*Patron - Habeeb*

**HB1309 Protected information; newspersons engaged in journalism.** Provides that no newsperson engaged in journalism shall be compelled to testify about, disclose, or produce protected information, as defined in the bill, except when the court finds that (i) the protected information is highly relevant and necessary to the proof of an issue material to an administrative, civil, or criminal proceeding, (ii) the protected information is not obtainable from any alternative source, (iii) the Commonwealth or locality exhausted all reasonable methods for obtaining the protected information from all relevant alternative sources; and (iv) there is an overriding public interest in the disclosure of the protected information. The bill further provides that any information obtained in violation of the provisions of the bill shall be inadmissible for any purpose in an administrative, civil, or criminal proceeding.

*Patron - Roem*

**HB1336 Spoliation of evidence; jury instruction.** Provides that if a party has possession, custody, or control of evidence, as specified in the bill, that such party knows or reasonably should know may be material to pending or probable litigation, and such evidence is disposed of, altered, concealed, destroyed, or not preserved by such party, a court may instruct that a jury may infer that, if such evidence had been introduced, such evidence would be detrimental to the case of such party. The bill further provides that the party seeking such instruction need not show that the disposal of, alteration of, concealing of, or failure to preserve such evidence was undertaken intentionally or in bad faith in order for such instruction to be given. The bill serves to overrule a portion of the Supreme Court of Virginia's decision in *Emerald Point, LLC v. Hawkins*, 2017 Va. Lexis 197.

*Patron - Habeeb*

**HB1457 Immunity of employers and potential employers; reports of violent behavior.** Provides civil immunity to an employer who makes a report to a potential employer or law-enforcement agency of violent or threatened violent behavior, as defined in the bill, by an employee or former employee, provided that such a report was made in good faith and with reasonable cause to make such report. The bill further

provides immunity to a potential employer who receives such a report and takes reasonable action in good faith to respond to the violent or threatened violent behavior noted in such report. The bill further provides that the court shall award reasonable attorney fees and costs to any employer or potential employer who has a suit dismissed against him pursuant to the immunity provided to him.

*Patron - Hurst*

**[F]SB159 Commonwealth's lien for payment of medical services; limitations.** Provides that a lien granted to the Commonwealth against any recovery from a third party obtained by an injured person, or the personal representative of a decedent, whose medical costs were paid pursuant to the Virginia Medical Assistance Program shall attach only to the portion of the claim representing compensation for medical expenses incurred by the injured person. The bill further provides that such lien shall be reduced by deducting from the portion of the recovery representing compensation for such medical costs the pro rata share of attorney fees, costs, and expenses incurred by the injured party or decedent. The provisions of the bill are contingent upon funding in a general appropriation act.

*Patron - Edwards*

**[F]SB616 Waiver of immunity; insurance coverage.** Provides that no person who is sued in a civil cause of action and who is immune from liability under Virginia law may claim such immunity if his actions that gave rise to the civil cause of action would otherwise be covered by an insurance policy.

*Patron - Surovell*

**[F]SB617 Statute of limitations; discovery rule.** Provides that the period of limitations for filing a cause of action for injury resulting from toxic substance exposure or prescribed or over-the-counter medications accrues from the time the person knew or should have known of the injury and its causal connection to such exposure or medication, respectively.

*Patron - Surovell*

**[F]SB618 Expert witnesses; government officer and employees; fees.** Provides that no officer or employee of the Commonwealth or of any locality or political subdivision thereof who is called to testify as an expert witness shall charge a fee for providing such testimony, whether at trial or in a deposition.

*Patron - Surovell*

**[F]SB620 Denial of motion to compel arbitration; appeal.** Provides that no appellate court has jurisdiction to review a trial court's interlocutory order denying a motion to compel arbitration. The bill further provides that an interlocutory appeal shall be permitted if the trial court orders arbitration and dismisses the action or stays the litigation.

*Patron - Surovell*

**[F]SB774 Partition; election to purchase.** Provides that a defendant in a suit for partition may elect to purchase the property at fair market value. If the election to purchase fails to close and title fails to pass to the petitioner for any reason, then the court may order that the petitioner pay reasonable attorney fees and costs to the opposing party. The bill further provides that only if the election fails or no party elects to purchase the property may the court proceed with allotting the property to one or more parties.

*Patron - Chafin*

**[F]SB895 Punitive damages cap.** Raises the punitive damages cap from \$350,000 to \$500,000 for any action accruing on or after July 1, 2018.

*Patron - Petersen*

## Carried Over

**[C]SB17 Uninsured and underinsured motorist insurance policies; bad faith.** Provides that if an insurance company denies, refuses, or fails to pay its insured, or refuses a reasonable settlement demand within the policy's coverage limits for a claim for uninsured or underinsured motorist benefits within a reasonable time after being presented with a demand for such benefits and it is subsequently found that such denial, refusal, or failure was not in good faith, then the insurance company shall be liable to the insured for the full amount of the judgment and reasonable attorney fees, expenses, and interest.

*Patron - Petersen*

**[C]SB380 Personal injury; loss of consortium claims by certain relatives.** Creates a cause of action for loss of consortium, the damages for which are specified in the bill, for (i) spouses of persons, (ii) parents of minor children, and (iii) adult children of persons who suffer personal injuries as a result of negligence.

*Patron - Chafin*

**[C]SB415 Jurisdiction of claim; plaintiff's motion to amend claim amount; transfer of matter.** Provides that, where a matter is pending in either the general district court or the circuit court, upon motion of the plaintiff seeking to amend the amount of the claim, the court shall order transfer of the matter to the court having jurisdiction over the claim without requiring a dismissal of the claim or a nonsuit. The bill further provides that, where such an amended claim provides the general district court and the circuit court with concurrent jurisdiction over such a claim, the court shall transfer the matter to either the general district court or the circuit court, as directed by the plaintiff, provided that such court otherwise has jurisdiction over the matter.

*Patron - McDougle*

**[C]SB481 Nonsuits; recommencement of action.** Decreases the time period in which a plaintiff who takes a voluntary nonsuit may recommence this action from six months to 14 days from the date the nonsuit was entered. The bill does not change the provision allowing for recommencement of the action within the original period of limitation, if longer than 14 days from the date the nonsuit was entered. The bill further provides that a plaintiff who has taken a voluntary nonsuit shall serve the defendant within three months of the recommencement of the action. The bill contains a technical amendment.

*Patron - Reeves*

**[C]SB590 Scope of discovery; deposing certain corporate officers.** Provides that parties to a civil action may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter and proportional to the needs of the case. The bill states that a determination of whether discovery is unduly burdensome or expensive shall include consideration of whether the burden or expense of the proposed discovery outweighs its likely benefits.

The bill further provides that when an officer, as defined in the bill, who is called as a deposition witness files a motion for a protective order because the discovery sought by the deposition is obtainable from some other source that is more convenient, less burdensome, or less expensive, the burden shall be on the party seeking the deposition to defeat such a motion by showing that (i) there is a reasonable indication that the officer's deposition is calculated to lead to the discovery of admissible evidence, (ii) the officer has unique or superior personal knowledge of discoverable information that cannot be discovered through means other than a deposition, and (iii) deposition of a representative other than the officer or other methods of discovery are unsatisfactory, insufficient, or inadequate.

*Patron - Vogel*

**SB613 Deposition of local governing body.** Provides that when a local governing body is named as a deponent, it shall designate one or more members of such body to serve as a deponent on its behalf. The bill provides that such designee and his testimony shall be subject to all of the same duties, responsibilities, and consequences as a corporate or organizational deponent as determined by the rules of court.

*Patron - Surovell*

**SB694 Bystander claims for intentional or negligent infliction of injury or death; emotional distress.** Provides that a bystander who witnesses, live and in-person, an event during which the intentional or negligent infliction of injury to or death of a victim occurs may recover damages for resulting emotional distress, proven by a preponderance of the evidence, with or without a physical impact or physical injury to the bystander, if (i) the bystander is related to the victim or (ii) although not related to the victim, the bystander is in close proximity to the victim at the time the event occurs and is aware that such event is causing injury to or the death of the victim.

*Patron - Deeds*

**SB753 Standards for testimony of expert witnesses.** Adopts two additional standards for admission of expert testimony found in Rule 702 of the Federal Rules of Evidence by (i) requiring that the expert's testimony be the product of reliable principles and methods and (ii) requiring that the expert has reliably applied the principles and methods to the facts of the case. The bill also codifies the requirement that the expert's testimony be based on sufficient facts or data (as recognized in *Forbes v. Rapp*, 269 Va. 374, 611 S.E.2d 592 (2005)). The bill does not change the current requirement that the expert's scientific, technical, or other specialized knowledge will assist the trier of fact in understanding the evidence or determining a fact in issue.

*Patron - Peake*

**SB791 Immunity of employers and potential employers; reports of violent behavior.** Provides civil immunity to an employer who makes a report to a potential employer or law-enforcement agency of violent or threatened violent behavior, as defined in the bill, by an employee or former employee, provided that such a report was made in good faith and with reasonable cause to make such report. The bill further provides immunity to a potential employer who receives such a report and takes reasonable action in good faith to respond to the violent or threatened violent behavior noted in such report. The bill further provides that the court shall award reasonable attorney fees and costs to any employer or potential employer who has a suit dismissed against him pursuant to the immunity provided to him.

*Patron - Edwards*

**SB800 Civil action for trespass; vicarious liability.** Provides that any person arrested for or convicted of criminal trespass shall be liable for any property damage caused during the commission of such trespass. The bill also provides that any person who compensates another person for such trespass may be held vicariously liable for any property damage caused during the commission of such trespass.

*Patron - Reeves*

## Commonwealth Public Safety

### Passed

**HB63 Private security; compliance agent experience; surety bond.** Removes the requirement that a compliance agent for a private security services business have either five years of experience or three years of managerial or supervisory experience in a private security services business, a state

or local law-enforcement agency, or a related field. The bill also removes the option for a private security services business or a private security services training school to be covered by a bond in lieu of liability insurance.

*Patron - Fowler*

**HB729 Virginia Fire Services Board; powers and duties; modular training program for volunteer firefighters.** Directs the Virginia Fire Services Board to develop a modular training program for volunteer firefighters for adoption by local volunteer fire departments that shall include (i) Firefighter I and Firefighter II certification pursuant to standards developed by the National Fire Protection Association and (ii) an online training program. The bill has a delayed effective date of January 1, 2019.

*Patron - Head*

**HB902 Sex Offenders and Crimes Against Minors Registry; similar offenses; removal from Registry.** Provides that the requirement that a person required to register with the Sex Offenders and Crimes Against Minors Registry who was convicted of certain crimes involving child pornography or carnal knowledge of a minor in juvenile custody under Virginia wait 25 years before being entitled to file a petition for removal of his name or information from the Registry also applies to a person convicted of similar offenses under the laws of any foreign country, the United States, or a political subdivision of either.

*Patron - Freitas*

**HB1412 Mental health awareness training; firefighters and emergency medical services personnel.** Requires fire departments and emergency medical services agencies to develop curricula for mental health awareness training for their personnel. The bill provides that such personnel who receive the training shall receive appropriate continuing education credits. This bill is identical to SB 670.

*Patron - Helsel*

**HB1418 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. This bill is identical to SB 851.

*Patron - Tyler*

**HB1599 Department of Criminal Justice Services; definitions; law-enforcement officer.** Adds (i) members of the investigations unit designated by the State Inspector General to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency and (ii) employees of the Department of Corrections or the Department of Juvenile Justice with internal investigations authority to the definition of law-enforcement officer. Such members and employees would not be eligible for Line of Duty Act benefits.

*Patron - Landes*

**SB670 Mental health awareness training; firefighters and emergency medical services personnel.** Requires fire departments and emergency medical services agencies to develop curricula for mental health awareness training for their personnel. The bill provides that such personnel who receive the training shall receive appropriate continuing education credits. This bill is identical to HB 1412.

*Patron - Deeds*

**SB851 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. This bill is identical to HB 1418.

*Patron - Marsden*

## Failed

**HB105 Department of Criminal Justice Services training standards; community engaged policing.** Expands the responsibilities of the Department of Criminal Justice Services regarding community policing by requiring the compulsory training standards for basic training and recertification of law-enforcement officers to include fair and impartial policing, verbal de-escalation, and needs of special populations. The bill changes the term "community policing" to "community engaged policing."

*Patron - Herring*

**HB144 Sex Offender and Crimes Against Minors Registry; removal of name and information from Registry.** Allows a person who is required to register with the Sex Offender and Crimes Against Minors Registry for an offense that is a misdemeanor to petition for the removal of his name and information from the Registry after at least seven years have passed from the date of initial registration. Currently, 15 years from the date of initial registration is the earliest a person may be eligible to petition for the removal of his name and information from the Registry.

*Patron - Cole*

**HB174 Department of Criminal Justice Services; protocols for communication with individuals with autism spectrum disorders, intellectual disabilities, and developmental disabilities.** Requires the Department of Criminal Justice Services to establish protocols for communication by law-enforcement personnel with individuals diagnosed with autism spectrum disorders, intellectual disabilities, and developmental disabilities.

*Patron - Filler-Corn*

**HB187 Sex offenders in emergency shelters; notification registration.** Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. The bill provides that the shelter's staff may access the publicly available information on the Sex Offender and Crimes Against Minors Registry regarding such person and use such information in making reasonable accommodations to ensure the safety of all persons in the shelter; however, no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill also requires that such person register with the local law-enforcement agency where the shelter is located within three days of entering the shelter if such person continues to reside in the shelter at that time.

*Patron - Hayes*

**HB250 Virginia Fire Services Board; membership.** Changes the membership of the Virginia Fire Services Board by removing a member of the Virginia Society of Fire Service Instructors and the State Fire Marshall and adding a fire service instructor and a nonlegislative citizen member with fire service experience.

*Patron - Guzman*

**HB430 Qualifications of law-enforcement officers; psychological examination.** Requires a prospective law-enforcement officer, subsequent to a conditional offer of employment, to undergo a psychological examination conducted under the supervision of a licensed psychiatrist or psychologist.

*Patron - Marshall*

**HB689 Department of Criminal Justice Services; human trafficking training standards.** 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 the identification of victims of human trafficking offenses. The bill also requires that such training standards, as well as model policies on human trafficking that the Department is already required to establish, be developed with the assistance of an advisory committee consisting of representatives of state and local law-enforcement officials, attorneys for the Commonwealth, circuit and district courts, social services and human services organizations, and local school districts.

*Patron - McQuinn*

**HB703 Establishment of a lethality assessment program.** Requires the Department of Criminal Justice Services (Department) to establish a lethality assessment program to provide direction for first responders in assisting victims of domestic violence. The bill also requires the Department to establish training standards for law-enforcement officers on participation in the program.

*Patron - Delaney*

**HB757 Sex offenders in emergency shelters; notification registration.** Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. The bill provides that any person who fails to notify the shelter's staff of his status as a registered sex offender is guilty of a Class 1 misdemeanor. The bill provides that the shelter's staff may access the publicly available information on the Sex Offender and Crimes Against Minors Registry regarding such person and use such information to ensure the safety of all persons in the shelter. The bill requires that the Department of State Police provide to any registered sex offender at the time of his initial registration a summary of his obligation to inform the staff of an emergency shelter of his status as a registered sex offender.

*Patron - Leftwich*

**HB817 Department of Criminal Justice Services; guidance documents for petitions to restore firearms rights.** Requires the Department of Criminal Justice Services, in consultation with the Office of the Secretary of the Commonwealth and the Office of the Executive Secretary of the Supreme Court of Virginia, to develop guidance documents for judges on handling petitions from convicted felons to possess, transport, or carry a firearm, ammunition for a firearm, or a stun weapon.

*Patron - Herring*

**HB1034 Biased policing; training standards.** Requires the Department of Criminal Justice Services to include, in its (i) training standards and model policies, (ii) compulsory training standards for basic training and recertification of law-enforcement officers, and (iii) operating procedures, guidelines, and standards for community policing intended to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing, the recognition of implicit biases in interacting with persons who have a mental illness, substance abuse disorder, or developmental disability.

*Patron - Price*

**HB1287 Law-Enforcement Officers Procedural Guarantee Act; definitions.** Includes certain deputy sheriffs under the coverage of the Law-Enforcement Officers Procedural Guarantee Act (§ 9.1-500 et seq.).

*Patron - LaRock*

**SB24 Sex offenders in emergency shelters; notification registration.** Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth

or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. The bill provides that the shelter's staff may access the publicly available information on the Sex Offender and Crimes Against Minors Registry regarding such person and use such information in making reasonable accommodations to ensure the safety of all persons in the shelter; however, no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill also requires that such person register with the local law-enforcement agency where the shelter is located within three days of entering the shelter if such person continues to reside in the shelter at that time. This bill was incorporated into SB 49.

*Patron - Spruill*

**[E]SB49 Sex offenders in emergency shelters; notification registration.** Provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. This bill provides that no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. This bill incorporates SB 24.

*Patron - Cosgrove*

**[E]SB748 Department of Criminal Justice Services; guidance documents for petitions to restore firearms rights.** Requires the Department of Criminal Justice Services, in consultation with the Office of the Secretary of the Commonwealth and the Office of the Executive Secretary of the Supreme Court of Virginia, to develop guidance documents for judges on handling petitions from convicted felons to possess, transport, or carry a firearm, ammunition for a firearm, or a stun weapon.

*Patron - Favola*

## Carried Over

**[C]HB362 Department of Criminal Justice Services; definition of "law-enforcement officer"; security division of the Virginia Lottery.** Removes from the definition of law-enforcement officer, as it applies to an investigator who is a sworn member of the security division of the Virginia Lottery, the requirement that such investigator be full time.

*Patron - Rush*

**[C]SB56 Line of Duty Act; eligible dependents.** Provides that children born or adopted after the death or disability of an employee covered by the Line of Duty Act are eligible for health insurance coverage if such coverage does not result in an increase in the premium.

*Patron - DeSteph*

**[C]SB59 Department of Criminal Justice Services training standards; community engaged policing.** Expands the responsibilities of the Department of Criminal Justice Services regarding community policing by requiring the compulsory training standards for basic training and recertification of law-enforcement officers to include fair and impartial policing, verbal de-escalation, and needs of special populations. The bill changes the term "community policing" to "community engaged policing."

*Patron - Lucas*

**[C]SB468 Line of Duty Act; death benefit eligibility; Department of Military Affairs employees.** Confers eligibility not currently available for death benefits under the Line of Duty Act to any employee of the Department of Military

Affairs whose death is the direct or proximate result of the performance of official duties of the agency when those duties are related to a major disaster or emergency.

*Patron - Reeves*

**[C]SB494 Line of Duty Act; health insurance coverage for eligible spouses.** Allows the eligible spouse of a deceased person under the Line of Duty Act (the Act) whose death occurred prior to July 1, 2017, to continue to receive health insurance coverage under the Act after the eligible spouse remarries. The eligible spouse would be required to pay for such continued coverage after the spouse remarries.

*Patron - Carrico*

**[C]SB761 Training of law-enforcement officers; reimbursement of costs.** Requires a law-enforcement agency in the Commonwealth that hires a law-enforcement officer from another law-enforcement agency to reimburse the agency that funded the training for the costs of the officer's basic law-enforcement training. The amount of the liability shall be reduced by one-fifth for each year that the law-enforcement officer worked for the agency that paid for the training.

*Patron - Newman*

**[C]SB904 Line of Duty Act; disabled persons; health insurance.** Allows a person disabled in the line of duty to continue to participate in the state or local health plan that he participated in prior to the disability. The bill also allows any natural or adopted child of a deceased person or a disabled person to be an eligible dependent for purposes of the Line of Duty Act, regardless of the date of birth or adoption of such child.

*Patron - Petersen*

## Conservation

### Passed

**[P]HB61 Battlefield property; transfer of easements to United States.** Directs the Secretary of Natural Resources (the Secretary) to endeavor to enter into a memorandum of understanding (MOU) with the United States to accomplish the transfer of the Commonwealth's easement interests in battlefield lands located within the boundaries of federal battlefield parks. The bill directs the Secretary to report on the status of the MOU to certain Senate and House committee chairmen by October 1, 2018. The bill is identical to SB 450.

*Patron - Ware*

**[P]HB153 Revolutionary War cemeteries and graves.** Authorizes the Comptroller of the Commonwealth to disburse appropriated sums to the Virginia Society of the Sons of the American Revolution for the maintenance of no more than 4,050 Revolutionary War graves set forth on a list submitted annually by the society to the Director of the Department of Historic Resources (the Director). The bill expands the categories of people whose graves may be maintained or marked to include persons rendering service to the Patriot cause in the Revolutionary War. The bill prohibits retroactive disbursements and requires the Director to deposit any funds that have been appropriated for grave maintenance but are not disbursed during the same fiscal year into the Revolutionary War Cemeteries and Graves Fund, which is created by the bill. The bill provides that the Director may use moneys in the Fund to make grants to perform extraordinary maintenance, renovation, repair, or reconstruction of cemeteries or graves or to erect and care for markers, memorials, and monuments.

*Patron - Habeeb*

**[P]HB284 Historical African American cemeteries; owners and localities receiving funds.** Adds any locality or person that owns a historical African American cemetery to the

list of qualified organizations able to receive funds for the preservation of historical African American cemeteries and graves. The bill also allows any locality to receive and hold such funds on behalf of any qualified organization until such time as the organization is able to receive or utilize the funds. The bill requires that the owner of a historical African American cemetery allow reasonable ingress and egress to such cemetery by members of an organization qualified to receive funds for cemetery care and maintenance. This bill received Governor's recommendations.

*Patron - McQuinn*

**[P]HB360 Historical African American cemeteries; Charlottesville; Daughters of Zion Cemetery.** Adds the Daughters of Zion Cemetery in Charlottesville, which cemetery contains 192 eligible graves, to the list of those cemeteries for which qualified charitable organizations may receive funds from the Department of Historic Resources for the care of historical African American cemeteries and graves.

*Patron - Toscano*

**[P]HB527 Historical African American cemeteries and graves; Portsmouth.** Adds the Mt. Calvary Cemetery in the City of Portsmouth, with 266 eligible gravesites, to the list of historical African American cemeteries for which qualifying charitable organizations may receive funds from the Department of Historic Resources for the care of historical African American cemeteries and graves. This bill is identical to SB 198.

*Patron - James*

**[P]HB669 Property conveyance; Department of Conservation and Recreation; Natural Tunnel State Park.** Authorizes the Department of Conservation and Recreation to accept, without consideration, certain real property in Scott County measuring approximately 1.85 acres in total.

*Patron - Kilgore*

**[P]HB844 Burn ban; definition of "orchard" and "vineyard."** Defines the terms "orchard" and "vineyard" for the purposes of the exception to the ban on burning brush where such burning is done to prevent frost damage to orchards or vineyards.

*Patron - Fariss*

**[P]HB866 Scenic river designations.** Consolidates provisions of the Scenic Rivers Act relating to prohibitions on the construction of dams and limits on the effects of the Act. The bill contains technical amendments.

*Patron - Orrock*

**[P]HB1270 Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth.** Prohibits the Governor or any state agency from adopting any regulation establishing a carbon dioxide cap-and-trade program or bringing about the participation by the Commonwealth in a regional market for the trading of carbon dioxide allowances. The bill provides that the Commonwealth shall be allowed to participate in such a cap-and-trade program if the House of Delegates and the Senate of Virginia each adopt a resolution that specifically references and approves the regulatory text proposed for adoption by a state agency. This bill was vetoed by the Governor.

*Patron - Poindexter*

**[P]HB1475 Sewerage systems; state adoption of federal criteria.** Directs the State Water Control Board (the Board) not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the Criteria) unless the Board includes in such adoption a phased implementation program consistent with the federal Clean Water Act with certain funding and timing considerations. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such imple-

mentation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. The bill provides that the inclusion of the implementation program in the Board's current regulatory action shall not require reproposal of the current action. This bill is identical to SB 344.

*Patron - Poindexter*

**[P]HB1521 Reformulated gasoline program; exemption; portion of Hopewell.** Directs the Department of Environmental Quality to seek an exemption from the federal reformulated gasoline program for conventional gasoline sold in that portion of the City of Hopewell that is located west of Interstate 295.

*Patron - Ingram*

**[P]HB1608 The Virginia Water Quality Improvement Fund; publicly owned treatment works; nutrient reduction.** Authorizes the Director of the Department of Environmental Quality (the Department) to issue grants from the Virginia Water Quality Improvement Fund for water quality improvements, including cost effective technologies to reduce loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia, in order to meet certain requirements of ammonia-related regulations that are more stringent than those adopted by the State Water Control Board (the Board). The bill also requires the Department to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. This bill is identical to SB 340.

*Patron - Poindexter*

**[P]SB163 Historical African American cemeteries and graves; Loudoun County; Belmont.** Adds the African-American Burial Ground for the Enslaved at Belmont in Loudoun County, which cemetery contains 44 eligible graves, to the list of those cemeteries for which qualified charitable organizations may receive funds from the Department of Historic Resources for the care of historical African American cemeteries and graves.

*Patron - Wexton*

**[P]SB177 Revolutionary War cemeteries and graves.** Authorizes the Comptroller of the Commonwealth to disburse appropriated sums to the Virginia Society of the Sons of the American Revolution for the maintenance of no more than 6,000 Revolutionary War graves set forth on a list submitted annually by the society to the Director of the Department of Historic Resources (the Director). The bill expands the categories of people whose graves may be maintained or marked to include persons rendering service to the Patriot cause in the Revolutionary War. The bill prohibits retroactive disbursements and requires the Director to deposit any funds that have been appropriated for grave maintenance but are not disbursed during the same fiscal year into the Revolutionary War Cemeteries and Graves Fund, which is created by the bill. The bill provides that the Director may use moneys in the Fund to make grants to perform extraordinary maintenance, renovation, repair, or reconstruction of cemeteries or graves or to erect and care for markers, memorials, and monuments.

*Patron - Stanley*

**[P]SB198 Historical African American cemeteries and graves; Portsmouth.** Adds the Mt. Calvary Cemetery in the City of Portsmouth, with 266 eligible gravesites, to the list of historical African American cemeteries for which qualifying charitable organizations may receive funds from the Department of Historic Resources for the care of historical African

American cemeteries and graves. This bill is identical to HB 527.

*Patron - Locke*

**[SB218 Recycling; beneficial use.** Defines "beneficial use," "beneficiation facility," and "recycling center" and provides that a beneficiation facility or recycling center shall be considered a manufacturer for the purpose of any state or local economic development incentive grant. The bill directs the Department of Environmental Quality (the Department) to encourage and support beneficial use; current law requires the Department to encourage and support litter control and recycling. The bill also directs the Department to provide to the General Assembly by November 1, 2019, an evaluation of Virginia's solid waste recycling rates and a set of recommendations for improving the reliability of the supply of recycled materials during the next 10 years in order to provide for beneficial use.

*Patron - Lewis*

**[SB340 The Virginia Water Quality Improvement Fund; publicly owned treatment works; nutrient reduction.** Authorizes the Director of the Department of Environmental Quality (the Department) to issue grants from the Virginia Water Quality Improvement Fund for water quality improvements, including cost effective technologies to reduce loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia, in order to meet certain requirements of ammonia-related regulations that are more stringent than those adopted by the State Water Control Board (the Board). The bill also requires the Department to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. This bill is identical to HB 1608.

*Patron - Peake*

**[SB353 Property conveyance; Department of Conservation and Recreation; Economic Development Authority of Henrico County; White Oak Technology Park.** Authorizes the Department of Conservation and Recreation to convey certain real property adjacent to the White Oak Technology Park in Henrico County to the Economic Development Authority of Henrico County in return for the grant of an open space easement and the dedication of a natural area preserve on a portion of the White Oak Technology Park property.

*Patron - McClellan*

**[SB450 Battlefield property; transfer of easements to United States.** Directs the Secretary of Natural Resources (the Secretary) to endeavor to enter into a memorandum of understanding (MOU) with the United States to accomplish the transfer of the Commonwealth's easement interests in battlefield lands located within the boundaries of federal battlefield parks. The bill directs the Secretary to report on the status of the MOU to certain Senate and House committee chairmen by October 1, 2018. The bill is identical to HB 61.

*Patron - Dance*

## Failed

**[HB182 Coal combustion residuals unit; closure by 2022.** Directs the Department of Environmental Quality to require the closure by July 1, 2022, of any coal combustion residuals (CCR) surface impoundment located in the Chesapeake Bay watershed. The bill requires that such closure include the removal of all coal combustion residuals for disposal in a permitted landfill that meets federal criteria and that the impoundment site be reclaimed in a manner consistent with federal mine reclamation standards. The bill allows an investor-owned public electric utility to recover the costs of closure

from customers. Finally, the bill suspends the issuance of any permit to close a CCR surface impoundment in the Chesapeake Bay watershed between May 1, 2018, and July 1, 2018.

*Patron - Carroll Foy*

**[HB467 Coal ash recycling or reuse.** Prohibits disposal of coal combustion residuals except by recycling or beneficial reuse, unless it can be shown by clear and convincing evidence that such recycling or beneficial reuse is not cost-effective compared with another means of disposal. The bill authorizes the Virginia Waste Management Board to adopt regulations to carry out such prohibition.

*Patron - Carter*

**[HB606 Virginia Department of Historic Resources; telecommunications; Section 106 review process work group.** Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.

*Patron - Gooditis*

**[HB636 Use of electric personal assistive mobility device on state forest roads and trails.** Prohibits the Department of Forestry from adopting any regulation barring the use of an electric personal assistive mobility device by a disabled veteran in any state forest, or on any road or trail traversing the same, except where necessary to ensure the safety of such veteran, other park visitors, or the well-being of state forest lands and resources.

*Patron - O'Quinn*

**[HB656 Virginia Department of Historic Resources; telecommunications; Section 106 review process work group.** Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.

*Patron - LaRock*

**[HB736 Seaplanes in state parks.** Directs the Department of Conservation and Recreation to adopt regulations allowing seaplane pilots to voluntarily land on and take off from lakes located within state parks in accordance with Federal Aviation Administration regulations.

*Patron - McGuire*

**[HB952 Department of Environmental Quality; nonfederally managed hazardous waste sites; inventory.** Directs the Department of Environmental Quality (DEQ) to publish and update annually a Virginia Nonfederally Managed Hazardous Waste Site Inventory, consisting of a list of sites of which DEQ is aware that meet certain criteria regarding the presence of hazardous wastes or other hazardous substances but that are not listed on the federal National Priorities List. The bill also requires an owner of an inactive nonfederally managed hazardous waste site, as defined in the bill, to notify DEQ of its existence.

*Patron - Lopez*

**[HB1082 Environmental regulations; no stricter than federal law.** Prohibits the Department of Environmental Quality, the State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board from adopting any environmental rule, regulation, or standard that is inconsistent with or exceeds the requirements of any rel-



evant and duly adopted federal environmental statute, regulation, standard, criterion, or guidance document.

*Patron - Yancey*

**[F]HB1353 Battlefield property; incorporation into national park; transfer of easement held by Board of Historic Resources.** Requires any instrument that creates an easement held by the Board of Historic Resources (the Board) on a battlefield property to include provisions for the transfer of the easement to the United States if the underlying property is incorporated into a national park. The bill directs the Board to transfer such an easement to the United States if it is requested to do so by both the United States and the owner of the underlying property and if such owner makes certain affirmations to the Board regarding the preservation of and public access to the property. The bill also directs the Board to transfer to the United States the easements it holds on nine particular battlefield properties located within the Petersburg National Battlefield and the Richmond National Battlefield Park and to conform the terms of existing Virginia Battlefield Preservation Fund grant agreements to the provisions of the bill.

*Patron - Ware*

**[F]HB1397 Small Business Environmental Compliance Advisory Panel; Speaker appointments.** Provides for the Speaker of the House of Delegates to appoint both House-appointed members of the Small Business Environmental Compliance Advisory Panel. Currently, one House-appointed member is appointed by the Speaker of the House of Delegates and one by the Minority Leader of the House of Delegates.

*Patron - McGuire*

**[F]SB166 Virginia Department of Historic Resources; telecommunications; Section 106 review process work group.** Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018. The bill incorporates SB 189.

*Patron - Black*

**[F]SB189 Virginia Department of Historic Resources; telecommunications; Section 106 review process work group.** Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.

*Patron - Favola*

**[F]SB582 Open-space lands; conversion or diversion.** Increases the threshold for the substitution of real property when lands are converted or diverted from open-space land use, requiring the substitute land to have "substantially" greater value as permanent open-space land than the land being converted or diverted. The bill establishes several requirements that an applicant for such conversion or diversion, such as an electric utility or a pipeline company, shall meet, including the requirements that it pay for appraisals conducted by a certified general real estate appraiser, and explain why, if the substitute land is not adjacent to the land to be converted or diverted, adjacent land could not be acquired. The bill authorizes a public body to further require that an applicant demonstrate the essentiality of its project and show that no feasible alternative exists. The bill also requires the creation of a stewardship fund for the substitute land.

*Patron - Hanger*

**[F]SB708 Coal combustion residuals unit; closure.** Directs the Department of Environmental Quality to require the closure of any coal combustion residuals (CCR) surface impoundment located in the Chesapeake Bay watershed. The bill requires that such closure include the removal of all coal combustion residuals for disposal in a permitted landfill that meets federal criteria and that the impoundment site be reclaimed in a manner consistent with federal mine reclamation standards. The bill allows an investor-owned public electric utility to recover the costs of closure from customers. Finally, the bill suspends the issuance of any permit to close a CCR surface impoundment in the Chesapeake Bay watershed between May 1, 2018, and July 1, 2018.

*Patron - Chase*

## Carried Over

**[C]SB499 Agriculture easements; validity; termination.** Prohibits a restriction imposed by a conservation easement from being enforced against any occupied single-family dwelling structure, including any outbuilding, shed, barn, garage, or driveway, or the land lying immediately underneath any such structure, for the purposes of additions, repairs, or sale. The bill authorizes the owner of an interest in real property burdened by the easement to terminate such easement in the event of financial hardship. Such owner shall be liable to the Department of Taxation for the full amount of any land preservation tax credits claimed or transferred by the owner that are related to the easement and shall pay any legal fees associated with the termination of the easement. Until such payments are made, such conservation easement shall be considered perpetual in duration unless otherwise provided in the instrument creating it.

*Patron - Carrico*

**[C]SB765 Coal ash ponds; mandatory testing of drinking water wells.** Requires the owner or operator of any coal ash pond in the Chesapeake Bay watershed that is closed by capping in place to complete a survey of all drinking water wells within one mile of the pond by October 1, 2018. The bill requires the utility to commission an independent well water test on behalf of the owner of each such well by January 1, 2019, and requires such a test once per year during each of the five years following the approval of the closure of the coal ash pond, and once every five years thereafter. The bill provides that if any test exceeds groundwater quality standards for constituents associated with coal ash, the Board shall instruct the utility to provide alternate water supplies to the owner of the well. The bill requires the Department of Environmental Quality to consider the results of the tests in its permitting, monitoring, or enforcement proceedings.

*Patron - Surovell*

## Contracts

### Failed

**[F]HB1171 Construction contracts; liability for payment of wages.** Provides that construction contracts shall be deemed to include a provision under which the general contractor and the subcontractor are jointly and severally liable to pay the wages due to the subcontractor's employees. The measure provides that if the wages due to the subcontractor's employees are not paid, the general contractor is subject to criminal and civil penalties for which an employer is liable for failing or refusing to pay wages. The measure requires the subcontractor to indemnify the general contractor for wages, damages, interest, penalties, or attorney fees owed as a result of the subcontractor's failure to pay the wages unless the subcontractor's failure to pay wages was due to the general contractor's failure to pay moneys due to the subcontractor. The measure

also provides that the lack of privity between the general contractor and the employees of the subcontractor is not a defense in an action against the general contractor arising from nonpayment of wages to the subcontractor's employees.

*Patron - Krizek*

**[F]HB1561 Contracts; sexual assault and harassment; enforceability.** Provides that any provision in a contract or agreement by which a party waives a claim of sexual assault or harassment or agrees to nondisclosure of such a claim is unconscionable and against public policy and void and unenforceable unless the waiver is in writing and the waiving party consulted with counsel who approved the waiver or the court approved the waiver.

*Patron - Delaney*

## Corporations

### Passed

**[P]HB170 Transacting business under an assumed name; central filing of assumed or fictitious name certificates.** Postpones, from May 1, 2019, to January 1, 2020, the effective date of the measure enacted in 2017 that requires a person conducting or transacting business under an assumed or fictitious name to file a certificate of assumed or fictitious name in the office of the clerk of the State Corporation Commission.

*Patron - Habeeb*

**[P]HB238 State Corporation Commission; electronic registration system.** Extends the date, from July 1, 2018, to January 1, 2020, after which the State Corporation Commission is required to limit the users who will be able to submit data and documents on behalf of a business entity. The users who will be eligible to use the system after that date are those (i) who have been designated to make the submission on behalf of the business entity and (ii) whose identity has been established satisfactorily through a verification process. The measure also deletes a reference to the Commission's registration system as "eFile."

*Patron - Kilgore*

**[P]HB1205 Nonstock corporations; members' meetings.** Authorizes the board of directors of a nonstock corporation to determine that any meeting of members not be held at any place and instead be held by means of remote communication, if the articles of incorporation or bylaws do not require the meeting to be held at a place.

*Patron - Cline*

**[P]HB1559 Stock corporations; action by shareholders without meeting.** Creates an exception to the provision that authorizes shareholders of a corporation to act without a meeting by less than unanimous written consent of the shareholders. The exception states that if the articles of incorporation or bylaws of a public corporation allow the holders of 30 percent or fewer of all votes entitled to be cast to demand the calling of a special meeting of shareholders, such provision authorizing less-than-unanimous shareholder action shall not apply. A public corporation is a corporation that has shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association. The measure does not apply if a public corporation's articles of incorporation authorized action by shareholders by less than unanimous consent as of April 1, 2018. This bill is identical to SB 974.

*Patron - O'Quinn*

**[P]SB387 Annual reports of corporations.** Eliminates the requirement that a corporation authorized to issue one or

more classes of shares list the number of shares of each class on its corporate annual report.

*Patron - Chafin*

**[P]SB974 Stock corporations; action by shareholders without meeting.** Creates an exception to the provision that authorizes shareholders of a corporation to act without a meeting by less than unanimous written consent of the shareholders. The exception states that if the articles of incorporation or bylaws of a public corporation allow the holders of 30 percent or fewer of all votes entitled to be cast to demand the calling of a special meeting of shareholders, such provision authorizing less-than-unanimous shareholder action shall not apply. A public corporation is a corporation that has shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association. The measure does not apply if a public corporation's articles of incorporation authorized action by shareholders by less than unanimous consent as of April 1, 2018. This bill is identical to HB 1559.

*Patron - Chafin*

### Failed

**[F]HB367 Investment advisors; registration fee review; report.** Directs the State Corporation Commission to conduct a proceeding to examine the amount of the registration and annual renewal fee. The Commission is required to provide a copy of its final order in the proceeding to the Chairmen of the House Committee on Commerce and Labor and the Senate Committee on Commerce and Labor by December 1, 2018.

*Patron - Rush*

**[F]HB471 State and local tax and regulatory exemptions for new small businesses.** Exempts new small businesses from (i) payment of unemployment, sales and use, and local license taxes and (ii) certain registration and reporting requirements with the State Corporation Commission. The bill defines an eligible business as any business that has its principal place of business in the Commonwealth, has not been in existence for more than five years, and has fewer than six employees or has paid less than \$5,000 for the purchase or lease of business personal property, including machinery and tools and merchants' capital, since its inception.

*Patron - Reid*

**[F]HB1039 Nonstock corporations; instructed proxies.** Requires that the writing or transmission by which a member purports to appoint a proxy to vote in an election for one or more members of the board of directors of a nonstock corporation identifies the person or persons for whom the proxy is instructed to vote.

*Patron - Convirs-Fowler*

## Counties, Cities and Towns

### Passed

**[P]HB22 Mandatory water and sewer connections; Powhatan County; Smyth County.** Adds Powhatan County and Smyth County to the list of counties that may require connection to their water and sewer systems by owners of property that can be served by the systems if the property, at the time of installation of such public system, or at a future time, does not have a then-existing, correctable, or replaceable domestic supply or source of potable water and a then-existing, correctable, or replaceable system for the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious, and dangerous diseases. Smyth County is also added to those coun-

ties with authority to assume the obligations of a public service authority under the same terms and conditions as applicable to the public service authority.

*Patron - Ware*

**[P]HB60 Goochland County; Economic Development Authority; board of directors; quorum.** Authorizes the Board of Supervisors of Goochland County to appoint five members to the Board of Directors of the Goochland County Economic Development Authority. Three members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors.

*Patron - Ware*

**[P]HB161 Powers of service districts.** Adds general government facilities to those types of facilities that may be constructed pursuant to the power granted to service districts.

*Patron - Cole*

**[P]HB220 Local parks; waterway activities; liability.** Authorizes a locality or park authority to establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and to exercise certain related powers. The bill releases from certain civil liability a locality that establishes such a system or a system of hiking, biking, or horseback riding trails, or the owner of any property leased or licensed for such uses, in the absence of gross negligence or willful misconduct. This bill is identical to SB 371.

*Patron - Morefield*

**[P]HB233 Arts and cultural districts.** Relocates an existing section in Title 15.2 (Counties, Cities and Towns) related to creation of arts and cultural districts. The existing section, once applicable only to certain municipalities but currently applicable to all localities, is logically relocated from Chapter 11 (Powers of Cities and Towns) to Chapter 9 (General Powers of Local Governments).

*Patron - Hope*

**[P]HB494 Land development; replacement of trees; locality within Chesapeake Bay watershed.** Authorizes any locality within the Chesapeake Bay watershed to adopt an ordinance providing for the planting and replacement of trees during the development process. Currently, only a locality with a population density of 75 persons per square mile may adopt such an ordinance. The bill contains technical amendments.

*Patron - Hodges*

**[P]HB508 Local regulation of solar facilities.** Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic or architectural preservation district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality. The bill requires that any ground-mounted solar energy generation facility existing as of January 1, 2018, be deemed a legal nonconforming use, with certain exceptions. The bill has a delayed effective date of January 1, 2019, with respect to ground-mounted solar energy generation facilities. This bill is identical to SB 429.

*Patron - Hodges*

**[P]HB509 Comprehensive plan; solar facilities.** Provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. The bill authorizes a locality to allow for a substantial accord review for other solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process. This bill is identical to SB 179.

*Patron - Hodges*

**[P]HB548 Boundary agreement between Counties of Spotsylvania and Orange; attachment of GIS map to petitions.** Allows the Counties of Spotsylvania and Orange, 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 and between the County of Loudoun and any town therein. This bill is identical to SB 477.

*Patron - Freitas*

**[P]HB592 Land bank entities; acquisition of property.** Makes a technical change by correcting from an authority to a land bank entity the entity to which a locality may grant or convey real property.

*Patron - Carr*

**[P]HB640 Comprehensive plan; broadband infrastructure.** Provides that a locality's comprehensive plan shall consider strategies to provide broadband infrastructure that is sufficient to meet the current and future needs of residents and businesses in the locality. To this end, local planning commissions may consult with and receive technical assistance from the Center for Innovative Technology, among other resources. Also, in the preparation of a comprehensive plan, broadband infrastructure shall be included among the matters that the local planning commission shall survey and study.

*Patron - Boysko*

**[P]HB663 Reimbursement of costs necessary to examine, review, and supervise a cooperative agreement.** Requires parties who have applied to the Department of Health for approval of a cooperative agreement to pay all costs incurred to examine the initial application and, in the event that the cooperative agreement is approved, all costs incurred for the review and ongoing supervision of the cooperative agreement by the State Health Commissioner, including costs of experts and consultants retained by the Commissioner. Prior to contracting with experts or consultants, the Commissioner shall provide reasonable notice to the parties describing the proposed scope of work and anticipated costs of such experts and consultants.

*Patron - Kilgore*

**[P]HB671 Tourism Development Authority; LENOWISCO and Cumberland Plateau Planning District Commissions.** Reorganizes the Tourism Development Authority by increasing board membership and creating tourism advisory committees. This bill is identical to SB 383.

*Patron - Kilgore*

**[P]HB709 Zoning violation penalties.** Increases the maximum fine for failure to remove or abate a zoning violation after conviction from \$1,500 to \$2,000 for succeeding 10-day periods after two previous failures to remove or abate the violation in accordance with court-imposed deadlines.

*Patron - Bell, John J.*

**HB775 Removal of snow and ice; county executive form of government.** Authorizes any county outside Planning District 8 that has adopted the county executive form of government (Albemarle County) to provide by ordinance reasonable criteria and requirements for the removal of accumulations of snow and ice from public sidewalks by the owner or other person in charge of any occupied property. Currently, only counties within Northern Virginia Planning District 8 may adopt such an ordinance. This bill is identical to SB 684.  
*Patron - Landes*

**HB796 Zoning; disabilities.** Requires a locality to give consideration to the need for reasonable modifications in accordance with the Americans with Disabilities Act or state and federal fair housing laws when preparing a zoning ordinance. The bill also alters the standard by which a variance shall be granted by requiring approval if such approval (i) will alleviate a hardship by granting a reasonable modification to a property as requested by a person with a disability and (ii) meets several other conditions as required by existing law. Any variance granted to provide a reasonable modification to a property requested by a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property provided by the variance. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act, as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals is required in order for such request to be granted.  
*Patron - Hope*

**HB922 Electric vehicle charging stations; local and public operation.** Authorizes any locality or public institution of higher education, or the Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. The bill allows a locality to limit the use of a retail fee-based electric vehicle charging station on its property to employees of the locality and authorized visitors and to install signage that provides notice of such restriction. The bill exempts such a locality, public institution of higher education, or the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. This bill is identical to SB 908.  
*Patron - Bulova*

**HB1093 Middle Peninsula Chesapeake Bay Public Access Authority; purpose.** Authorizes the Middle Peninsula Chesapeake Bay Public Access Authority (the Authority) to receive and expend public funds and private donations and apply for permits in order to perform dredging projects on waterways and construct facilities and infrastructure within the region for which the Authority exists. The bill requires such projects to enhance recreational or commercial public access.  
*Patron - Hodges*

**HB1132 Dinwiddie Airport and Industrial Authority; residency requirements.** Provides that at least four members of the seven-member Dinwiddie Airport and Industrial Authority (Authority) shall be residents of the County of Dinwiddie and removes the requirement that one member of the Authority shall be a resident of the City of Petersburg. Current law provides that only four members shall be residents of the County of Dinwiddie. The bill makes discretionary the removal of any appointee who ceases to reside within the County of Dinwiddie. The bill contains technical amendments.  
*Patron - Aird*

**HB1148 Reporting on economic growth-sharing agreements.** Provides that all economic growth-sharing agreements between localities shall require, at least annually, a report from each locality that is a recipient of funds pursuant to

the agreement to each of the other governing bodies of the participating localities that includes (i) the amount of money transferred among the localities pursuant to the agreement and (ii) the uses of such funds by the localities. The bill also provides that the parties to any growth-sharing agreement that has been in effect for at least 10 years and that has annual payments that exceed \$5 million shall also convene an annual meeting to discuss anticipated future plans for economic growth in the localities.  
*Patron - Landes*

**HB1154 Virginia Coalfields Expressway Authority; powers and duties; grants.** Authorizes the Virginia Coalfields Expressway Authority to apply for and accept grants and gifts to carry out its powers and duties.  
*Patron - Pillion*

**HB1179 Abandoned school revitalization zones.** Allows localities to establish by ordinance one or more abandoned school revitalization zones for the purpose of providing incentives to private entities to purchase or develop real property or to assemble parcels suitable for economic development that include an abandoned school site. Each locality establishing an abandoned school revitalization zone may grant incentives and provide regulatory flexibility. The incentives may include, but not be limited to, (i) reduction of permit fees, (ii) reduction of user fees, (iii) reduction of any type of gross receipts tax or any other type of local tax as permitted by state law, and (iv) waiver of tax liens to facilitate the sale of property, if deemed appropriate. A school located in an abandoned school revitalization zone shall be eligible for participation in the Virginia Shell Building Initiative. This bill is identical to SB 448.  
*Patron - Pillion*

**HB1183 City of Hampton; volunteer property maintenance and zoning inspectors.** Adds the City of Hampton to the list of cities that may utilize volunteer inspectors to issue notice of noncompliance with certain ordinances related to the external maintenance of property or local zoning ordinances.  
*Patron - Price*

**HB1241 Car-washing fundraisers; biodegradable cleaners.** Prohibits any locality from banning car-washing fundraisers that use biodegradable, phosphate-free, water-based cleaners and provides that no permit issued pursuant to the State Water Control Law shall prohibit the discharge of such noncommercial fundraising activity washwaters from a municipal separate storm sewer system.  
*Patron - Hugo*

**HB1257 Sanctuary policies prohibited.** Provides that no locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws. This bill was vetoed by the Governor.  
*Patron - Cline*

**HB1258 Zoning for wireless communications infrastructure.** Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications; a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric ser-

vices; and limits on the number of new wireless support structures that can be installed in a specific location. The measure prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. The measure states that it does not prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The measure also requires that any publicly owned or privately owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing, by county, city, or town, enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless service. This bill is identical to SB 405. This bill received Governor's recommendations.

*Patron - Kilgore*

**[P]HB1450 The BVU Authority.** Authorizes the BVU Authority to execute, assign, or transfer property without implementing the provisions of the Virginia Public Procurement Act any internal contract between the divisions of the Authority that following such execution, assignment, or transfer will be between the Authority and the purchaser of the Authority's assets. This bill received Governor's recommendations.

*Patron - Campbell*

**[P]HB1452 Regional industrial facility authority.** Amends the enabling statute for creation of a regional industrial facility authority by reducing from three to two the required minimum number of participating localities.

*Patron - James*

**[P]HB1500 New River Valley Emergency Communications Regional Authority; annual contributions.** Authorizes the Board of the New River Valley Emergency Communications Regional Authority to develop an allocation formula to determine each participating political subdivision's annual contribution to the Authority's annual budget. If the allocation formula is not approved by each participating political subdivision, then each political subdivision shall contribute an amount equal to the Authority's annual budget divided by the number of participating political subdivisions. This bill is identical to SB 821.

*Patron - Rush*

**[P]HB1546 Removal of county courthouse.** Provides that certain provisions regarding removal of a county courthouse shall not apply to the removal or relocation of any county courthouse, whether located on county or city property, that is entirely surrounded by a city, and any such courthouse shall be removed or relocated only in accordance with the existing procedures.

*Patron - Bell, Robert B.*

**[P]HB1555 Hydroelectric plant revenue sharing agreement among certain localities.** Requires the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and the City of Norton to enter into a perpetual revenue sharing agreement regarding a certain electric storage or generation facility to be located in one of these localities. The measure establishes the percentage of the revenue to be allocated to each locality and provides that the host locality shall receive an additional share of six percent of the revenue. Any direct costs of infrastructure improvements incurred by the host locality for purposes of the facility will be allocated among the localities in the same proportion as the revenues from the facility. This bill is identical to SB 780.

*Patron - Pillion*

**[P]HB1560 Hampton Roads area refuse collection and disposal system authority; board term.** Provides that a board member of the Hampton Roads area refuse collection and disposal system authority appointed directly by a member locality shall not be subject to a term limit.

*Patron - Brewer*

**[P]HB1595 Vested rights; existing landscape cover materials.** Provides that, notwithstanding any local ordinance to the contrary, an owner of real property who has an occupancy permit issued as of January 1, 2018, shall not be required to retrofit existing landscape cover materials. The bill further provides that such owner shall not be prohibited from continuing to use, supplement, or refurbish existing landscape cover materials at such property. This bill is identical to SB 972. This bill received Governor's recommendations.

*Patron - Wilt*

**[P]SB129 Subdivision ordinance; pro rata share of certain road improvements.** Adds the Cities of Chesapeake and Portsmouth to those localities that may require payment by a subdivider or developer of land of a pro rata share of the cost of reasonable and necessary road improvements, located outside the property limits of the land owned or controlled by him but serving an area having related traffic needs to which his subdivision or development will contribute, to reimburse an initial subdivider or developer who has advanced such costs or constructed such road improvements. The City of Chesapeake appears to have been inadvertently dropped from this statute during a 2007 Code title revision.

*Patron - Cosgrove*

**[P]SB137 Notification of local appropriation to acquire property rights; Fentress Naval Auxiliary Landing Field.** Requires that the member of the House of Delegates and the member of the Senate of Virginia representing the area in which the Fentress Naval Auxiliary Landing Field (Fentress) is located in Chesapeake, Virginia, be notified of any local appropriation made to acquire property rights surrounding Fentress.

*Patron - Cosgrove*

**[P]SB149 Smoking in outdoor amphitheater or concert venue; civil penalty.** Authorizes any locality, by ordinance, to designate reasonable no-smoking areas within an outdoor amphitheater or concert venue owned by the locality. The bill requires such ordinance to (i) require adequate signage designating such areas, (ii) provide that a violation of such ordinance is subject to a civil penalty of not more than \$25 to be paid into the treasury of the locality where the offense occurred and expended solely for public health purposes, and (iii) provide that any law-enforcement officer may issue a summons regarding a violation of the ordinance. The bill contains a reenactment clause.

*Patron - Edwards*

**[P]SB179 Comprehensive plan; solar facilities.** Provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right or (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2. The bill authorizes a locality to allow for a substantial accord review for other solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process. This bill is identical to HB 509.

*Patron - Stanley*

**[P]SB211 Comprehensive plans; groundwater and surface water.** Authorizes a locality to show in the locality's comprehensive plan the locality's long-range recommendations for

groundwater and surface water availability, quality, and sustainability. The bill requires the local planning commission to survey and study groundwater and surface water availability, quality, and sustainability in the preparation of a comprehensive plan.

*Patron - Stuart*

**SB371 Local parks; waterway activities; liability.** Authorizes a locality or park authority to establish, conduct, and regulate a system of boating, canoeing, kayaking, or tubing activities on waterways and to exercise certain related powers. The bill releases from certain civil liability a locality that establishes such a system or a system of hiking, biking, or horseback riding trails, or the owner of any property leased or licensed for such uses, in the absence of gross negligence or willful misconduct. This bill is identical to HB 220.

*Patron - Chafin*

**SB383 Tourism Development Authority; LENOWISCO and Cumberland Plateau Planning District Commissions.** Reorganizes the Tourism Development Authority by increasing board membership and creating tourism advisory committees. This bill is identical to HB 671.

*Patron - Chafin*

**SB405 Zoning for wireless communications infrastructure.** Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications; a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and limits on the number of new wireless support structures that can be installed in a specific location. The measure prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. The measure states that it does not prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The measure also requires that any publicly owned or privately owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing, by county, city, or town, enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless service. This bill is identical to HB 1258. This bill received Governor's recommendations.

*Patron - McDougle*

**SB429 Local regulation of solar facilities.** Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic or architectural preservation district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning

district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality. The bill requires that any ground-mounted solar energy generation facility existing as of January 1, 2018, be deemed a legal nonconforming use, with certain exceptions. The bill has a delayed effective date of January 1, 2019, with respect to ground-mounted solar energy generation facilities. This bill is identical to HB 508.

*Patron - Stanley*

**SB448 Abandoned school revitalization zones.** Allows localities to establish by ordinance one or more abandoned school revitalization zones for the purpose of providing incentives to private entities to purchase or develop real property or to assemble parcels suitable for economic development that include an abandoned school site. Each locality establishing an abandoned school revitalization zone may grant incentives and provide regulatory flexibility. The incentives may include, but not be limited to, (i) reduction of permit fees, (ii) reduction of user fees, (iii) reduction of any type of gross receipts tax or any other type of local tax as permitted by state law, and (iv) waiver of tax liens to facilitate the sale of property, if deemed appropriate. A school located in an abandoned school revitalization zone shall be eligible for participation in the Virginia Shell Building Initiative. This bill is identical to HB 1179.

*Patron - Chafin*

**SB477 Boundary agreement between Counties of Spotsylvania and Orange; attachment of GIS map to petitions.** Allows the Counties of Spotsylvania and Orange, 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 and between the County of Loudoun and any town therein. This bill is identical to HB 548.

*Patron - Reeves*

**SB538 Expansion of courthouses to contiguous property.** Provides that expansion of a courthouse to contiguous land within the same county or city shall not trigger a referendum requirement. The existing statute refers only to relocation within the same county.

*Patron - Hanger*

**SB622 Local transportation plan; secondary system road construction program allocation; undergrounding utilities.** Provides that if the adopted local transportation plan designates corridors planned to be served by mass transit, a portion of its allocation from (i) the Northern Virginia Transportation Authority distribution, (ii) the commercial and industrial real property tax revenue, and (iii) the secondary system road construction program may be used for the purpose of utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation.

*Patron - Surovell*

**SB677 Local tourism board; membership; member of a governing body of a locality.** Authorizes a member of a governing body of a locality to be elected or appointed by that governing body to be a member of a local convention, visitors, or tourism board, authority, or agency.

*Patron - Deeds*

**SB680 Special fee to fund emergency services in certain counties.** Authorizes any county with a population of less than 3,000 to adopt an ordinance, after holding a public hearing, imposing a fee to fund the provision of emergency medical services in the county.

*Patron - Deeds*

**SB684 Removal of snow and ice; county executive form of government.** Authorizes any county outside Planning District 8 that has adopted the county executive form of government (Albemarle County) to provide by ordinance reasonable criteria and requirements for the removal of accumulations of snow and ice from public sidewalks by the owner or other person in charge of any occupied property. Currently, only counties within Northern Virginia Planning District 8 may adopt such an ordinance. This bill is identical to HB 775.

*Patron - Deeds*

**SB780 Hydroelectric plant revenue sharing agreement among certain localities.** Requires the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and the City of Norton to enter into a perpetual revenue sharing agreement regarding a certain electric storage or generation facility to be located in one of these localities. The measure establishes the percentage of the revenue to be allocated to each locality and provides that the host locality shall receive an additional share of six percent of the revenue. Any direct costs of infrastructure improvements incurred by the host locality for purposes of the facility will be allocated among the localities in the same proportion as the revenues from the facility. This bill is identical to HB 1555.

*Patron - Chafin*

**SB908 Electric vehicle charging stations; local and public operation.** Authorizes any locality or public institution of higher education, or the Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. The bill allows a locality to limit the use of a retail fee-based electric vehicle charging station on its property to employees of the locality and authorized visitors and to install signage that provides notice of such restriction. The bill exempts such a locality, public institution of higher education, or the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. This bill is identical to HB 922.

*Patron - McClellan*

**SB972 Vested rights; existing landscape cover materials.** Provides that, notwithstanding any local ordinance to the contrary, an owner of real property who has an occupancy permit issued as of January 1, 2018, shall not be required to retrofit existing landscape cover materials. The bill further provides that such owner shall not be prohibited from continuing to use, supplement, or refurbish existing landscape cover materials at such property. This bill is identical to HB 1595. This bill received Governor's recommendations.

*Patron - Obenshain*

**SB993 Local planning commissions; proposed plats.** Prohibits a local planning commission from delaying the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The bill eliminates exemptions (i) for deficiencies caused by changes, errors, or omissions occurring in the applicant's plat, site plan, or plan of development filings after the initial submission of such plat, site plan, or plan of development and (ii) from the review and approval of construction plans.

*Patron - Reeves*

## Failed

**HB64 Local regulation; making of fires.** Defines "making of fires," which under current law a locality can regu-

late or prohibit, as any use of a flame, including bonfires, cooking stoves, torches, and candles.

*Patron - McQuinn*

**HB68 Control of firearms; libraries owned or operated by localities.** Allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof in libraries owned or operated by the locality.

*Patron - McQuinn*

**HB89 Conditional zoning proffers; affordable dwelling units.** Exempts onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable.

*Patron - Bell, John J.*

**HB163 Conditional proffers; public facility capacity; previously approved residential developments.** Authorizes a locality to base its assessment of a public facility's capacity on the projected impacts specifically attributable to previously approved residential developments, or portions thereof, that have not yet been completed when determining whether a proffer is unreasonable.

*Patron - Ware*

**HB204 Energy benchmarking; access to data on energy usage in covered buildings.** Authorizes a locality to adopt an ordinance requiring utilities, upon request by the owner of a building with a gross floor area of not less than 50,000 square feet (covered building), to provide its owner with combined measured energy usage data for multiple utility accounts of customers receiving service in the covered building. Such benchmarking is mandatory for a covered building with three or more active utility accounts in which no single utility account is greater than or equal to 85 percent of the aggregated energy usage, and it is optional for other covered buildings. The measure provides that the building owner shall only provide aggregated data that is provided to it to the Energy Star Portfolio Manager subject to guidelines established by the Department of Mines, Minerals and Energy (DMME). Violations of the ordinance are punishable by a fine of not more than \$250. The measure requires DMME to develop uniform guidelines for benchmarking by December 1, 2018.

*Patron - Sullivan*

**HB229 Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2018; report.** Establishes the Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2018. Establishes the Commonwealth of Virginia as a nonfederal sponsor of hurricane and flooding risk reduction projects. There is also established the Virginia Hurricane and Flood Risk Reduction Authority (the Authority) and a board of directors (the Board) of the Authority. The Board shall exercise for the Governor executive authority over all phases of hurricane and flood risk reduction programs, including investigations, construction, operations, and maintenance. The Authority shall be established to fulfill the directives of the Board. The Authority shall be hosted by a department of the Commonwealth as designated by the Governor. That department shall provide support to the Authority, including budgeting, work facilities, administrative management, logistics, human resources, legal, contracts, and information resources. The Joint Legislative Audit and Review Commission (JLARC) shall consult with Louisiana's Legislative Fiscal Office to assess the increased state and local tax flows in Louisiana that resulted from post-Katrina federal spending, including spending for civil works storm and flooding risk reduction project. The bill requires JLARC to report to the General Assembly no later than November 1, 2018, on the results of its initial assessment.

*Patron - Miyares*

**HB245 Vested rights.** Provides that a nonconforming use may be continued so long as the use is not discontinued for more than one year and meets other conditions. Existing law



provides that such use shall not be discontinued for more than two years.

*Patron - Krizek*

**HB261 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*

**HB302 Additional powers of certain counties.** Grants counties with a population greater than 100,000 certain powers of cities and towns, including taxation, borrowing, and payments for highway maintenance. Currently, such powers are generally granted to cities and towns only.

*Patron - Watts*

**HB341 Cluster development; open space; stormwater management area.** Allows a locality to prohibit a stormwater management area from being located in an "open space" or "conservation area" established as part of a cluster development. Current law bars localities from enacting such a prohibition.

*Patron - Thomas*

**HB400 Replacement of trees during development process; Chesapeake Bay watershed.** Authorizes any locality in the Chesapeake Bay watershed to adopt an ordinance providing for the planting and replacement of trees during the land development process. Current law only allows a locality with a population density of at least 75 persons per square mile to adopt such an ordinance. The bill authorizes such an ordinance to exceed the requirements set out in the section.

*Patron - Keam*

**HB402 Local law-enforcement agencies; body-worn camera systems.** Requires localities to adopt and establish a written policy for the operation of a body-worn camera system, as defined in the bill, 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 the Department to establish a model policy for the operation of body-worn camera systems and the storage and maintenance of body-worn camera system records.

*Patron - Levine*

**HB605 Prohibition on leaving unattended vehicles running; local option.** Authorizes any locality to adopt an ordinance prohibiting any person from leaving a motor vehicle unattended while the motor vehicle is running, including a vehicle that remains stationary in the parked or neutral position. Such ordinance shall not apply to any commercial, law-enforcement, fire, or emergency medical services vehicle.

*Patron - Carr*

**HB705 Broadband services; prohibited features.** Prohibits a provider of broadband services from offering or renewing services to consumers within any locality in the Commonwealth in which certain media is throttled, blocked, or prioritized on the basis of its content, format, host address, or source.

*Patron - Carter*

**HB783 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 if the town meets the following conditions: (i) the town sends public notices by email to each resident that provides an email address and (ii)

all public notices to be published on the town's website or posted in a prominent manner that is intended to reach the largest number of viewers.

*Patron - Keam*

**HB794 Virginia Indoor Clean Air Act; smoking in public buildings prohibited; penalty.** Prohibits smoking in any building owned or leased by the Commonwealth or any agency thereof or any locality. The bill contains technical amendments.

*Patron - Hope*

**HB814 Control of firearms by localities; lawful demonstrations and protests.** Allows a locality to adopt an ordinance that prohibits the possession, carrying, transporting, or storing of any weapon, firearm, ammunition, or components or combination thereof within 1,000 feet of a demonstration, march, parade, protest, rally, or other similar event. Such an ordinance shall not apply to any law-enforcement officer, armed security officer, member of the Armed Forces of the United States, member of the Armed Forces Reserves, or member of the National Guard acting in the performance of his lawful duties.

*Patron - Levine*

**HB818 Memorials for war veterans; Monument Removal Fund.** Provides that a locality may request funding from a special fund to help offset the costs of the lawful removal or relocation of certain monuments. The bill establishes the Monument Removal Fund (the Fund) for such purpose. The bill provides that the Fund shall appear on the individual income tax return and is eligible to receive tax refunds.

*Patron - Herring*

**HB870 Cash bond; pet shops obtaining animals from a dealer.** Authorizes a locality to require by ordinance that a pet shop furnish a cash bond of up to \$5,000 per dealer from whom the pet shop has obtained an animal for sale within the past year. The bill requires that the cash bond be held in escrow until the pet shop is no longer in business, the pet shop has not conducted business with such dealer within the past year, or the cash bond is disbursed to a purchaser of an animal that is unfit for purchase.

*Patron - Orrock*

**HB981 Local disposable paper and plastic bag tax.** Authorizes any locality to impose a five-cent per bag tax on disposable paper bags or disposable plastic bags provided to customers by certain retailers, with certain bags being exempt from the tax. Revenues from the local tax would be collected by the Tax Commissioner and distributed monthly to the county or city imposing the tax to be used by such locality for pollution and litter mitigation. 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. The bill also allows every retailer that collects the tax to retain one cent of the five-cent tax.

*Patron - Rodman*

**HB985 Unlawful creation of image of another; incapacitated adult; penalty.** Provides that knowingly and intentionally creating a videographic or still image of a non-consenting person if such person is totally nude, clad in undergarments, or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast or if the recording device was positioned directly beneath or between such person's legs is punishable as a Class 6 felony if the nonconsenting person is an incapacitated adult. The bill provides that any person who, without authorization and with the intent to coerce, harass, or intimidate, maliciously disseminates or sells a videographic or still image of an incapacitated adult who is totally nude, or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast, is guilty of a Class 6 felony.

*Patron - Gilbert*

**HB1004 Regulation of stormwater; airports.** Provides that localities shall provide for full waivers of certain stormwater charges for public use airport runways and taxiways.

*Patron - Byron*

**HB1019 Control of firearms; permitted events.** Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in a public space during a permitted event, or an event that would otherwise require a permit. This bill contains technical amendments.

*Patron - Toscano*

**HB1029 Disclosure of information regarding former deputy sheriffs and law-enforcement officers.** Provides that any sheriff or chief of police, any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers, and the Director of the Department of Criminal Justice Services shall disclose to a prospective law-enforcement or jail employer (i) any information related to an arrest or prosecution of a former appointee or employee, including expunged information; (ii) any information related to a civil suit regarding a former appointee's or employee's employment or performance of his duties; and (iii) any information obtained during the course of any internal investigation related to a former appointee's or employee's alleged criminal conduct, use of excessive force, or other official misconduct. The bill provides that disclosure is required only if the prospective employer presents a written waiver signed by the former appointee or employee that explicitly authorizes the disclosure and the agency receiving the request is not prohibited from the disclosure of such information pursuant to a binding nondisclosure agreement or otherwise prohibited by law. The bill provides immunity to such sheriff, chief of police, and director or chief executive and to the Director of the Department of Criminal Justice Services for disclosing information in compliance with the provisions of this bill.

*Patron - Price*

**HB1052 Control of firearms by localities; lawful demonstrations and protests.** Allows a locality to adopt an ordinance that prohibits the possession or transportation of firearms, ammunition, or components or a combination thereof during a demonstration, march, parade, protest, rally, or other similar event. Such an ordinance shall not apply to any law-enforcement officer, armed security officer, member of the Armed Forces of the United States, member of the Armed Forces Reserves, or member of the National Guard acting in the performance of his lawful duties.

*Patron - Watts*

**HB1097 Removal of certain monuments or memorials for war veterans.** Provides that upon the affirmative vote of a governing body of a locality in which a monument or memorial is located, the locality may relocate the monument or memorial to a museum of the locality's choice. However, if the monument or memorial is not owned by the locality, the owner of the monument or memorial shall be given an opportunity to reclaim or relocate the monument or memorial within six months of notice from the locality. After six months, if the owner of such a monument or memorial declines the opportunity to reclaim or relocate the monument or memorial in question, the locality shall be authorized to proceed with the relocation. The bill also repeals an 1890 Act of Assembly related to the placement of a statue in the City of Alexandria.

*Patron - Levine*

**HB1098 Removal of certain monuments and memorials.** Provides that for any monument or memorial erected prior to 1900, notwithstanding any Act of Assembly regarding the preservation of monuments or memorials enacted prior to 1900, the governing body of the locality in which the monument or memorial is located may remove the monument or memorial to be prominently displayed in an outdoor location on the grounds of a locality-owned history museum that is

located within one-quarter mile of the existing site, provided that the governing body has affirmatively voted to relocate the monument or memorial. However, if the monument or memorial is not owned by the locality, the owner of the monument or memorial shall be given an opportunity to reclaim or relocate the monument or memorial within six months of notice from the locality. After six months, if the owner of such a monument or memorial declines the opportunity to reclaim or relocate the monument or memorial in question, the locality shall be authorized to proceed with the relocation.

*Patron - Levine*

**HB1131 Zoning for wireless communications infrastructure.** Repeals provisions creating a uniform procedure for the way in which small cell facilities on existing structures are approved by localities and approved and installed in public rights-of-way.

*Patron - Gooditis*

**HB1136 Aboveground chemical storage tanks.** Authorizes localities to adopt an ordinance that makes it unlawful for any person to construct, maintain, or use any aboveground chemical storage tank (ACST) having a capacity of 250 gallons or more without obtaining a permit from the local fire official. The penalty for violating the ordinance shall not exceed a Class 1 misdemeanor. The bill directs the Board of Housing and Community Development to adopt regulations requiring that the inspection, repair, alteration, or reconstruction of any such ACST comply with API 653 Standard or an appropriate equivalent standard for any tank too small to be governed by API 653.

*Patron - Rasoul*

**HB1169 Disclosure of employment-related information to law-enforcement agency.** Requires an employer, upon request of a law-enforcement agency regarding a prospective or current employee of the agency and if the agency provides a written release signed by the employee, to furnish information about such employee's professional conduct, reasons for separation, and job performance, including information contained in any written performance evaluations, while in the employer's employ. The bill also provides immunity to an employer who furnishes such information regarding an employee in good faith.

*Patron - LaRock*

**HB1225 Memorials for war veterans.** Provides that a locality may remove or provide for the upkeep, maintenance, or contextualization of any monument or memorial for war veterans located in its public space, regardless of when erected. Current law makes it unlawful to disturb or interfere with such monuments or memorials or to prevent its citizens from taking proper measures and exercising proper means for the protection, preservation, and care of such monuments or memorials.

*Patron - Toscano*

**HB1292 State and local transportation planning.** Provides that prior to the adoption of or amendment to any comprehensive plan in Planning District 8 (Northern Virginia) or review of a proposed rezoning in Planning District 8, the Department of Transportation shall consider the transportation impact of the proposed plan or rezoning and name any transportation facility for which a reduction in the level of service is anticipated as a result of the proposed plan or rezoning. Current law provides for such review for any transportation facility having a functional classification of minor arterial or higher for which an increase in traffic volume is expected to exceed the capacity of the facility as a result of the change. The bill requires that if the proposed comprehensive plan or rezoning is within Planning District 8, the locality shall propose one or more transportation projects in its local transportation plan, or within the regional transportation plan, to ensure no reduction of service to any transportation facility affected by the plan or rezoning.

*Patron - Hugo*

**HB1387 Zoning; aquaculture in agricultural zone; preexisting use.** Provides that any aquaculture use that was established on property that was zoned as an agricultural district at the time the use commenced, but later was rezoned to disallow agriculture, is a valid nonconforming use of the property. The bill also provides that language from the Acts of Assembly of 2014 expanding the definition of agricultural products is declaratory of existing law.

*Patron - Freitas*

**HB1446 Conditional rezoning proffers.** Exempts counties that operate under the urban county executive form of government (Fairfax County) from provisions related to the request or acceptance of unreasonable proffers.

*Patron - Sickles*

**HB1471 Local employee grievance procedure.** Requires that the final step in an employee grievance procedure adopted by a local governing body, providing for a hearing before an administrative hearing officer or an impartial panel hearing, be selected by the aggrieved employee. Currently, the selection of this final step requires the agreement of both parties. The bill also 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. The bill contains technical amendments.

*Patron - Hugo*

**HB1514 Police misconduct; civilian review panel; law-enforcement auditor.** Authorizes a locality to establish a law-enforcement civilian review panel that may (i) receive complaints from citizens of the locality regarding the conduct of the primary law-enforcement agency serving the locality and its officers and employees and (ii) review investigations conducted by the agency into such conduct. The bill also authorizes a locality to appoint a law-enforcement auditor who may review investigations conducted by the agency regarding the use of force by a law-enforcement officer that resulted in the death or serious bodily injury of another person. The bill provides that the panel or auditor may conduct hearings and request that the city or county attorney seek a subpoena for witnesses and evidence. The bill provides that the panel and auditor shall report annually on their activities. Finally, the bill provides that the findings and recommendations made by the panel or auditor are not binding on the agency and nothing in the bill either requires or precludes the agency from conducting its own investigation.

*Patron - Watts*

**HB1518 Virginia Indoor Clean Air Act; hookah lounges.** Exempts hookah lounges, as defined in the bill, from the prohibition against smoking in restaurants.

*Patron - Rush*

**HB1526 Comprehensive plan; telecommunications towers and facilities; Planning District 8.** Provides that localities in Planning District 8 (Northern Virginia) have the option to enact ordinances that deem proposed telecommunications towers or facilities constructed by certain entities to be substantially in accord with the comprehensive plan if any such proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right, in which case local planning commission approval shall not be required. Under existing law, commission approval is not required for such proposed telecommunications towers and facilities statewide.

*Patron - Plum*

**SB63 Control of firearms by localities; lawful demonstrations and protests.** Allows a locality to adopt an ordinance that prohibits the possession or transportation of firearms, ammunition, or components or a combination thereof, during a demonstration, march, parade, protest, rally, or other similar event. Such an ordinance shall not apply to any law-enforcement officer, armed security officer, member of the

Armed Forces of the United States, member of the Armed Forces Reserves, or member of the National Guard acting in the performance of his lawful duties or to any person having a valid concealed handgun permit.

*Patron - Favola*

**SB155 Control of firearms; chambers of local governing bodies.** Allows a locality to adopt an ordinance that prohibits firearms, ammunition, or components or a combination thereof at any regular or special meeting of such local governing body, provided that notice of such prohibition is publicly posted and the meeting room is owned or operated by the locality.

*Patron - Edwards*

**SB187 Zoning violation penalties.** Increases the maximum fine for misdemeanor conviction of a zoning violation from \$1,000 to \$2,000. The bill also increases the maximum fine for failure to remove or abate the zoning violation after conviction from \$1,500 to \$2,000 for succeeding 10-day periods.

*Patron - Favola*

**SB196 Decertification of law-enforcement officers; Criminal Justice Services Board; statewide professional standards of conduct.** Requires the Criminal Justice Services Board (the Board) to adopt, by July 1, 2019, statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers. The bill requires any sheriff, chief of police, or agency administrator to notify the Board in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has been found to have engaged in serious misconduct. The bill authorizes the Board to initiate decertification proceedings against any former law-enforcement or jail officer who has engaged in serious misconduct as defined in such statewide professional standards of conduct. The bill has a delayed effective date of October 1, 2019.

*Patron - Locke*

**SB200 Local government taxing authority.** Equalizes municipal taxing authority and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill has a delayed effective date of July 1, 2019, prior to which the Division of Legislative Services is directed to convene a working group to develop recommendations as to what additional legislative changes are needed to effectuate the provisions of the bill.

*Patron - Favola*

**SB242 Park authority liability; immunity.** Grants immunity from liability in any civil action to park authorities created pursuant to the Park Authorities Act (§ 15.2-5700 et seq.) for damages caused by ordinary negligence on the part of any officer or agent of such park authority in the maintenance or operation of a park, recreational facility, or playground under control of the authority.

*Patron - Marsden*

**SB290 Affordable dwelling unit ordinances.** Expands from specific localities to any locality the scope of existing enabling legislation related to affordable dwelling unit ordinances, making such legislation applicable statewide.

*Patron - McClellan*

**SB360 Control of firearms; permitted events.** Authorizes any locality by ordinance to prohibit the possession or carrying of firearms, ammunition, or components or any combination thereof in a public space during a permitted event, or an event that would otherwise require a permit. This bill contains technical amendments.

*Patron - McClellan*

**SB384 Creating a process for identifying and relocating fiber optics and other communications infrastructure during road construction projects; Department of**

**Transportation.** Provides that the Department of Transportation shall convene a work group of stakeholders to examine the current statutory and regulatory processes for identifying the location of, and the owners or leaseholders of, fiber optic cable and conduit, as well as other similar communications infrastructure and utilities, that are located under or across from public property or in close proximity to or in an existing or newly acquired public easement or right-of-way, in order to determine whether the current process for relocating such infrastructure as necessary for the construction of a public roadway and associated appurtenances, whether such project is locally or state administered, is appropriately efficient, timely, and cost effective, in order to avoid unnecessary and costly delays in construction. Stakeholders shall include representatives from local government, cable and telecommunications industries, the road construction industry, underground utility locating contractors, and the State Corporation Commission. The Department shall assess whether the current permitting and utility registration and relocation procedures and requirements are adequate, reasonable, or excessive and shall submit its findings and any recommendations for improving such process to the General Assembly by November 30, 2018.

*Patron - Black*

**SB397 Hampton Roads Coastal Resiliency Authority.** Creates the Hampton Roads Coastal Resiliency Authority (Authority) as a body politic and corporate, a political subdivision of the Commonwealth. The Authority may by ordinance consist of any locality that makes up the membership of the Hampton Roads Planning District Commission and is created for the purpose of serving as a regional leader, resource, and partner for all issues related to coastal flooding and resiliency. The act has an enactment clause delaying the effective date until two-thirds of the participating localities join the Authority.

*Patron - Lewis*

**SB444 Memorials for war veterans.** Provides that a locality may remove, relocate, or alter a war monument or memorial, regardless of when erected.

*Patron - Wexton*

**SB454 Inoperable vehicles; James City County.** Authorizes James City County to prohibit any person from keeping, unless shielded or screened from view, on any property zoned or used for residential purposes, or on any property zoned for commercial or agricultural purposes, any inoperable motor vehicle, trailer, or semitrailer.

*Patron - Mason*

**SB469 Conditional zoning.** Removes restrictions on the types of proffers a locality may request or accept in connection with a rezoning or proffer condition amendment as a condition of approval of a new residential development or residential use. The bill removes a restriction on denying an application on the basis of a failure or refusal to submit an unreasonable proffer or proffer condition amendment. The bill also removes a requirement that a proffer be made only when the new development will create a need in excess of the existing public facility capacity.

The bill removes the requirement that a court hearing the appeal of a rezoning or amendment to an existing proffer action presume, absent clear and convincing evidence to the contrary, that the initial refusal or failure to submit an unreasonable proffer was the controlling basis for the denial of the application when the applicant can show by a preponderance of the evidence that it refused or failed to submit an unreasonable proffer. The bill removes the right of an applicant appealing a rezoning or amendment to an existing proffer action to recover reasonable attorney fees and costs. The bill removes a requirement that a reviewing court remand the action with a direction to approve the rezoning or proffer condition amendment.

The bill eliminates an exception to proffer restrictions for a new residential development or residential use in a small area comprehensive plan.

*Patron - Reeves*

**SB667 Regulation of attire at a public assembly.** Authorizes a locality to pass an ordinance to regulate, restrict, or prohibit the wearing of any combination of attire or weaponry commonly associated with military combat, paramilitary operations, or warfare that gives the impression that the wearer is an on-duty member of the United States Armed Forces, an official law-enforcement agency, or the militia during any permitted assembly of persons or movement of persons or vehicles if such attire constitutes a threat to the public safety or welfare.

*Patron - Deeds*

**SB668 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. The bill also 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 a park or recreation area owned or used by such locality for governmental purposes, provided that at each public entrance to such park or recreation area there is (i) at least one law-enforcement officer or armed security officer; (ii) at least one metal detection device; and (iii) an inspection area where each person that enters the park or recreation area may have any bag, package, or other container that he is carrying inspected by a law-enforcement officer or armed security officer. 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 - Deeds*

**SB733 Removal of certain monuments and memorials.** Provides that for any monument or memorial erected prior to 1900, notwithstanding any Act of Assembly regarding the preservation of monuments or memorials enacted prior to 1900, the governing body of the locality in which the monument or memorial is located may remove the monument or memorial to be prominently displayed in an outdoor location on the grounds of a locality-owned history museum that is located within one-quarter mile of the existing site, provided that the governing body has affirmatively voted to relocate the monument or memorial. However, if the monument or memorial is not owned by the locality, the owner of the monument or memorial shall be given an opportunity to reclaim or relocate the monument or memorial within six months of notice from the locality. After six months, if the owner of such a monument or memorial declines the opportunity to reclaim or relocate the monument or memorial in question, the locality shall be authorized to proceed with the relocation.

*Patron - Ebbin*

**SB751 Localities and school divisions; posting of register of funds expended.** Requires every locality with a population greater than 25,000 and each school division with greater than 5,000 students to post quarterly on the public government website of such locality or school division 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 allows any locality or school division to exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act, any personal identifying information related to a court-ordered payment, and any information related to undercover law-enforcement officers. The bill has a delayed effective date of July 1, 2019.

*Patron - Sturtevant*

**[F]SB839 Turns in certain residential areas; resident stickers.** Allows counties by ordinance to develop a program to issue permits to residents of a designated area that will allow such residents to make turns into or out of the neighborhood during certain times of the day where such turns would otherwise be restricted.

*Patron - Favola*

**[F]SB948 Net neutrality.** Provides that an entity engaged in the provision of broadband Internet access service in the Commonwealth shall not (i) block lawful content, applications, services, or nonharmful devices, subject to reasonable network management; (ii) impair or degrade lawful Internet traffic on the basis of Internet content, application, or service, or use of a nonharmful device, subject to reasonable network management; (iii) engage in paid prioritization; or (iv) unreasonably interfere with or unreasonably disadvantage (a) end users' ability to select, access, and use broadband Internet access service or the lawful Internet content, applications, services, or devices of their choice or (b) edge providers' ability to make lawful content, applications, services, or devices available to end users.

The bill also provides that except as provided in certain limited circumstances, a provider shall not knowingly disclose certain personally identifiable information concerning a consumer of the Internet service provider.

*Patron - Wexton*

## Carried Over

**[C]HB295 Turns in certain residential areas in certain counties; resident stickers.** Allows counties that operate under the urban county executive form of government (Fairfax County) by ordinance to develop a program to issue permits to residents of a designated area that will allow such residents to make turns into or out of the neighborhood during certain times of the day where such turns would otherwise be restricted.

*Patron - Murphy*

**[C]HB692 Virginia Regional Industrial Facilities Act; revenue sharing; composite index.** Requires the Department of Taxation's calculation of true values as applied to the Commonwealth's composite index of local ability-to-pay to take into account an arrangement by localities entered into pursuant to the Virginia Regional Industrial Facilities Act whereby a portion of tax revenue is initially paid to one locality and redistributed to another locality. The bill requires such calculation to properly apportion the percentage of tax revenue ultimately received by each locality. The bill has a delayed effective date of July 1, 2020.

*Patron - Marshall*

**[C]SB193 Disposable plastic shopping bags; local option.** Allows any locality by ordinance to prohibit the distribution, sale, or offer for sale 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*

**[C]SB208 Impact fees for residential development.** Repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses.

*Patron - Stuart*

**[C]SB367 Regulation of stormwater; airports.** Allows localities to provide for a partial waiver of service charges for stormwater management to airports for that portion of the property that is used for runways and taxiways.

*Patron - Newman*

**[C]SB458 Conditional proffers; public facility capacity; previously approved residential developments.** Authorizes a locality to base its assessment of a public facility's capacity on the projected impacts specifically attributable to previously approved residential developments, or portions thereof, that have not yet been completed when determining whether a proffer is unreasonable. The bill also removes language prohibiting a locality from accepting any unreasonable proffer; language prohibiting a locality from requesting any unreasonable proffer is retained.

*Patron - Peake*

**[C]SB495 Deputy Sheriff Supplemental Salary Fund; creation and revenue source.** Creates the Deputy Sheriff Supplemental Salary Fund to provide funds for qualified localities to supplement the salaries of deputy sheriffs. Twenty percent of local fines generated by a local sheriff's office would be transferred by the circuit court clerk to the Fund to pay for such supplements.

*Patron - Carrico*

**[C]SB714 Local economic development expenditure.** Provides that any local economic development expenditure shall be first approved by the local governing body.

*Patron - Chase*

**[C]SB886 Qualifications of law-enforcement officers; psychological examination.** Requires as a minimum qualification for employment as a law-enforcement officer that, subsequent to a conditional offer of employment, all prospective law-enforcement officers undergo a psychological examination conducted by (i) a licensed physician and surgeon or (ii) a licensed psychologist. The bill sets out the necessary educational and professional qualifications for such examiners.

*Patron - Carrico*

**[C]SB944 Cash proffers; impact fees.** Removes various provisions granting localities authority to accept cash proffers as part of the conditional rezoning process. The bill repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses.

*Patron - Stuart*

**[C]SB957 Exemption from certain conditional rezoning proffer requirements.** Provides that certain provisions enacted in 2016 related to conditional rezoning proffers shall not apply to any county that operates under the county executive form of government that adjoins a county that operates under the urban county executive form of government (Prince William County) or to any city adjoining a county that operates under the urban county executive form of government (Cities of Alexandria, Fairfax, and Falls Church) if such locality enacts an ordinance to provide that such provisions shall not apply.

*Patron - Black*

## Courts Not of Record

### Passed

**HB35 Places of confinement for juveniles.** Provides that when juveniles who are determined by the court to be a threat to the security or safety of other juveniles detained in a juvenile secure facility are transferred to or confined to a jail or other facility for the detention of adults, such adult-detention facility must be approved by the State Board of Corrections for the detention of juveniles. The bill removes an existing provision that such juveniles need not be separated and removed from the adult detainees when confined with adults. This bill is identical to SB 52.

*Patron - Hayes*

**HB262 Protective orders; family abuse; cellular telephone number or electronic device.** Provides that as a condition to be imposed by the court on the respondent, a petitioner with a protective order issued in a case that alleges family abuse and, where appropriate, any other family or household member may be granted exclusive use and possession of a cellular telephone number or electronic device. The bill further provides that a respondent may be enjoined from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The bill provides that the court may enjoin the respondent from using a cellular telephone or electronic device to locate the petitioner.

*Patron - Miyares*

**HB274 Informal truancy plans.** Provides that a student may have up to three discretionary diversions for truancy so long as the immediately previous diversion occurred at least three calendar years prior to the current diversion.

*Patron - Ward*

**HB278 Compensation of guardian ad litem appointed to represent a child; adjustment by the court.** Provides that a court may adjust the costs of a guardian ad litem's services for good cause shown or upon the failure of the guardian ad litem to substantially comply with the standards adopted for attorneys appointed as guardians ad litem.

*Patron - Collins*

**HB292 Reports to school division superintendents; abduction.** Adds abduction to the list of offenses that are reported to school division superintendents by a juvenile intake officer when a petition is filed alleging a student committed such offense. The bill also adds abduction and acts of violence by mobs to the list of offenses reported to school division superintendents by a law-enforcement officer when a student who is 18 years of age or older is arrested for committing such an offense; acts of violence by mobs is already on the list reported by an intake officer for a minor student. The bill also adds abduction on school property, on a school bus, or at a school-sponsored activity to the list of incidents to be reported to school division superintendents and principals.

*Patron - Collins*

**HB326 Child abuse and neglect; venue.** Provides that, for cases in juvenile and domestic relations district court involving an allegedly abused or neglected child, venue may lie in the city or county where the alleged abuse or neglect occurred in addition to the city or county where the child resides or where the child is present when the proceedings are commenced.

*Patron - Campbell*

**HB378 Electronic case papers; transmission between district and circuit courts.** Makes applicable to juvenile and domestic relations district courts current provisions related to electronic case papers and transmission of such papers between the general district courts and the circuit courts by relocating such provisions from a statute specifically addressing general district courts to a statute applicable to all district courts. The bill also allows the appellate court clerk to request the forwarding of paper trial records. As introduced, this bill was a recommendation of the Committee on District Courts and the Judicial Council. This bill is identical to SB 524.

*Patron - Habib*

**HB743 Maximum number of judges in each judicial district and circuit.** Increases or decreases the maximum number of judges in select judicial districts and circuits to reflect the number of authorized judgeships recommended by the Supreme Court of Virginia in the 2017 "Virginia Judicial Workload Assessment Report." This bill is identical to SB 525.

*Patron - Leftwich*

**HB1219 Annual foster care review.** Provides that, at certain foster care review hearings, the court shall inquire of the child's guardian ad litem and the local board of social services whether the child has expressed a preference that the possibility of restoring the parental rights of his parent or parents be investigated. The bill further provides that, if the child expresses or has expressed such a preference, the court shall direct the local board of social services or the child's guardian ad litem to conduct an investigation of the parent or parents. The bill provides that if, following such investigation, the local board of social services or guardian ad litem deems it appropriate to do so, either may file a petition for the restoration of parental rights.

*Patron - Reid*

**HB1310 Retention of case records; electronic format.** Allows the clerk of a district court to destroy the papers, records, and documents in civil and criminal cases after the case has ended if such papers, records, and documents have been microfilmed or converted to an electronic format. Under current law, such records can be destroyed after three years. Current law exceptions for records with administrative, fiscal, historical, or legal value and records for certain specified misdemeanors are retained.

*Patron - Lindsey*

**HB1355 Alternative facility of temporary detention; minors.** Establishes the same procedure for transferring custody of a minor who is the subject of a temporary detention order from one facility to another facility that already exists for transferring custody of adults.

*Patron - Hope*

**SB52 Places of confinement for juveniles.** Provides that when juveniles who are determined by the court to be a threat to the security or safety of other juveniles detained in a juvenile secure facility are transferred to or confined to a jail or other facility for the detention of adults, such adult-detention facility must be approved by the State Board of Corrections for the detention of juveniles. The bill removes an existing provision that such juveniles need not be separated and removed from the adult detainees when confined with adults. This bill is identical to HB 35.

*Patron - Spruill*

**SB89 Civil proceedings involving child abuse or neglect; testimony of children.** Adds proceedings involving family abuse protective orders to the list of civil proceedings involving alleged abuse and neglect of a child for which a court may order that the testimony of certain child victims or witnesses be taken outside the courtroom via two-way closed-circuit television.

*Patron - Surovell*

**SB392 Involuntary commitment of a juvenile; notification of parents.** Permits the court to proceed with a hearing for the involuntary commitment of a juvenile in instances

where both parents cannot be notified if the court determines that copies of the petition for involuntary commitment and notice of the hearing have been served on at least one parent and a reasonable effort has been made to serve such copies on both parents.

*Patron - Barker*

**[P]SB426 Victims of domestic violence; list of local resources.** Provides that upon issuance of an emergency, preliminary, or permanent protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

*Patron - Wexton*

**[P]SB524 Electronic case papers; transmission between district and circuit courts.** Makes applicable to juvenile and domestic relations district courts current provisions related to electronic case papers and transmission of such papers between the general district courts and the circuit courts by relocating such provisions from a statute specifically addressing general district courts to a statute applicable to all district courts. The bill also allows the appellate court clerk to request the forwarding of paper trial records. As introduced, this bill was a recommendation of the Committee on District Courts and the Judicial Council. This bill is identical to HB 378.

*Patron - Obenshain*

**[P]SB525 Maximum number of judges in each judicial district and circuit.** Increases or decreases the maximum number of judges in select judicial districts and circuits to reflect the number of authorized judgeships recommended by the Supreme Court of Virginia in the 2017 "Virginia Judicial Workload Assessment Report." This bill is identical to HB 743.

*Patron - Obenshain*

**[P]SB609 Retention of jurisdiction over juvenile offenders.** Clarifies that when a juvenile and domestic relations district court obtains jurisdiction in the case of any child, such jurisdiction includes the authority to suspend, reduce, modify, or dismiss the disposition of any juvenile adjudication until such person reaches 21 years of age, except when the person is in the custody of the Department of Juvenile Justice or the court is divested of jurisdiction. The bill provides that it is declaratory of existing law.

*Patron - Surovell*

**[P]SB669 Involuntary mental health treatment; minors; access to firearms.** Provides that a person who, while a minor 14 years of age or older, was ordered to involuntary inpatient or outpatient treatment or was subject to a temporary detention order and agreed to voluntary admission (i) is subject to the same restrictions on possessing, purchasing, or transporting a firearm as an adult who was similarly ordered to involuntary treatment or was subject to a temporary detention order and agreed to voluntary admission and (ii) may utilize the same procedure as such adult for petitioning for the restoration of such person's firearm rights. The bill also sets out procedures for the submission of any involuntary treatment order or certification of voluntary admission subsequent to a temporary detention order involving a minor 14 years of age or older to the Central Criminal Records Exchange for purposes of determining a person's eligibility to possess, purchase, or transport a firearm that mirror the current procedures for the submission of such orders or certifications for adults. This bill received Governor's recommendations.

*Patron - Deeds*

## Failed

**[F]HB210 Pretrial appeal by the Commonwealth.** Allows an attorney for the Commonwealth to take a pretrial appeal on the constitutionality of an evidentiary ruling by a

juvenile and domestic relations district court in a case in which a juvenile under the age of 14 is to be tried for an offense that would be a violent juvenile felony if committed by a juvenile 14 years of age or older. The bill provides that such appeal shall be heard by the circuit court. If the juvenile and domestic relations district court's ruling is affirmed, the attorney for the Commonwealth may appeal the circuit court's decision to the Court of Appeals, and such decision shall be final. If the circuit court finds that the juvenile and domestic relations court erred, the circuit court shall remand the case for trial consistent with the circuit court's ruling.

*Patron - Mullin*

**[F]HB217 Electronic case papers; transmission between district and circuit courts.** Makes applicable to juvenile and domestic relations district courts current provisions related to electronic case papers and transmission of such papers between the general district courts and the circuit courts by relocating such provisions from a statute specifically addressing general district courts to a statute applicable to all district courts.

*Patron - Herring*

**[F]HB419 Juveniles; trial as adult.** Increases the minimum age that a juvenile can be tried as an adult in circuit court for a felony from 14 years of age to 16 years of age. The bill would still allow juveniles 14 years of age or older to be tried as an adult for capital murder or first-degree murder.

*Patron - Guzman*

**[F]HB517 Involuntary commitment of a juvenile; notification of parents.** Provides that a petition for the involuntary commitment of a minor shall not be dismissed for failure to immediately serve both parents with a copy of the petition and notice of the hearing if one parent is present at the hearing and the judge determines that a reasonable effort was made to notify the other parent.

*Patron - Bell, Robert B.*

**[F]HB612 Delinquent children; issuance of learner's permits.** Authorizes a court to authorize the issuance of a learner's permit to a minor adjudicated delinquent of an offense that results in a denial of the minor's privilege to operate a motor vehicle. The bill provides that the court may impose additional restrictions on the minor's operation of a motor vehicle pursuant to a learner's permit.

*Patron - Habeeb*

**[F]HB625 Alternative facility of temporary detention; minors.** Establishes the same procedure for transferring custody of a minor who is the subject of a temporary detention order from one facility to another facility that already exists for transferring custody of adults.

*Patron - Ayala*

**[F]HB744 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 or a form completed by a law-enforcement officer that includes a statement of the grounds for the order, 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 - Leftwich*

**[F]HB1074 Protective orders; reciprocal no contact provisions.** Provides that any protective order that prohibits contacts by the respondent with the petitioner may also include a provision prohibiting contacts by the petitioner with the respondent.

*Patron - Heretick*

**[F]HB1115 Minors; education records; disposition; children in need of services.** Provides that when a juvenile is alleged to have committed a delinquent act in certain circum-



stances and a juvenile and domestic relations district court admits evidence related to an Individualized Education Program, a Section 504 Plan, a behavioral intervention plan, or a functional behavioral assessment, if the court makes a finding that the juvenile is responsible because he acted intentionally or willfully when committing the delinquent act, the court shall enter an order of adjudication or an order of disposition, but if the court makes a finding that the juvenile is not responsible because he did not act intentionally or willfully when committing the delinquent act, the court may (i) enter an order of disposition or commitment authorized for children in need of services, (ii) if the juvenile has reached the age of 18 years, enter an order of emergency custody, or (iii) dismiss the petition. This bill is a recommendation of the Virginia Criminal Justice Conference.

*Patron - VanValkenburg*

**[F]HB1126 Committee on District Courts; membership.** Reduces from two to one the number of senators appointed to the Committee on District Courts (the Committee) and provides for the Speaker of the House of Delegates to appoint the two delegates on the Committee and for the Senate Committee on Rules to appoint the sole senator on the Committee. Currently, the Chairman of the House Committee for Courts of Justice and the Chairman of the Senate Committee for Courts of Justice appoint two delegates and two senators, respectively, to the Committee.

*Patron - Collins*

**[F]HB1218 Termination of parental rights.** Provides that the residual parental rights of a parent of a child placed in foster care may be terminated if the courts finds, based upon clear and convincing evidence, that it is in the child's best interests and that the parent, without good cause, has been unwilling or unable to substantially remedy the conditions that led to such foster care placement within a reasonable period of time not to exceed 15 total months from the date the child was first placed in foster care within the most recent 22 months. Current law provides that such reasonable period of time is not to exceed 12 months from the date the child was placed in foster care. The bill further requires the court to consider any wishes of a child expressed during a consultation with the child at a permanency planning hearing and to give such wishes weight as the court deems proper, given the child's age, maturity, and circumstances.

*Patron - Reid*

**[F]SB39 Fee for filing certain petitions in juvenile and domestic relations district court.** Repeals the \$25 filing fee that is charged for commencement of a custody or visitation case in the juvenile and domestic relations district court.

*Patron - Favola*

**[F]SB67 Statements made by child to an intake officer or probation officer.** Provides that a statement made by a child during or after the intake process, or during or after a mental health screening or other court-ordered evaluation or assessment, and prior to a hearing on the merits of a petition filed against the child, shall not be admissible at any stage of the proceedings. Current law limits such period of time to those statements made *during* the intake process, or *during* a mental health screening or assessment, and prior to a hearing on the merits of a petition filed against the child.

*Patron - Favola*

**[F]SB85 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 or a form completed by a law-enforcement officer that includes a statement of the grounds for the order, 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*

**[F]SB96 Juvenile offenders; sentencing; geriatric parole.** Provides that for any juvenile felony a circuit court may consider a juvenile's diminished culpability and heightened capacity for change in determining the particular sentence to be imposed. The bill also provides that the Parole Board may consider a petitioner's demonstrated maturity and rehabilitation and the lesser culpability of juvenile offenders in reviewing a petition for geriatric release when submitted by a person serving a sentence imposed on a juvenile for an offense that would be a crime if committed by an adult.

*Patron - Marsden*

**[F]SB142 Appeal to circuit court; failure to appear.** Provides that a person's failure to appear in circuit court in accordance with the condition of his bail, recognizance, or promise to appear constitutes a withdrawal of an appeal, provided that the person is notified in writing at the time he notes his appeal that his failure to appear in circuit court constitutes a withdrawal of the appeal. The bill also provides that within 60 days of entering an order affirming the judgment of a district court based on a person's failure to appear, a person who fails to appear may request the court to vacate its order if such failure to appear was not willful.

*Patron - Petersen*

**[F]SB500 Jurisdiction; offenses against children.** Provides that a juvenile and domestic relations district court has jurisdiction over offenses against the person of a child, including those offenses where the identity of the child is unknown. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

*Patron - Carrico*

**[F]SB596 Victims of domestic violence, etc.; firearms safety or training course.** Creates the Virginia Firearms Safety and Training for Sexual and Domestic Violence Victims Fund. The bill provides that the Department of Criminal Justice Services may distribute funds from the 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, or family abuse. The Department would not be permitted to issue reimbursements in excess of the amount available in the Fund. 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]HB277 Guardians ad litem for children; report requirements; certification form.** Requires guardians ad litem appointed to represent a child in a matter to conduct an investigation in compliance with certain standards. The bill further requires the guardian ad litem to file a copy of any written report directed by the court with the clerk of court. The bill requires the guardian ad litem to furnish a copy of such report to the attorneys representing parties and parties proceeding pro se in the matter prior to any trial or other proceeding or hearing on the matter. The bill provides that, where a written report is not directed, the guardian ad litem shall inform all attorneys representing parties and parties proceeding pro se of any recommendations intended to be made to the court prior to any trial or other proceeding or hearing on the matter. The bill specifies that a guardian ad litem's report shall not be admitted into evidence unless the contents are otherwise established at the trial or other proceeding or hearing on the matter. The bill requires the guardian ad litem to file with the court, with a copy to attorneys representing parties and parties proceeding pro se, a certification form of such guardian's compliance with certain standards, along with a summary of the investigation conducted by such guardian. The bill provides that the court shall grant a continuance as justice requires should such guard-

ian ad litem fail to meet any specified requirements contained in the bill.

*Patron - Collins*

**[C]HB1435 Initiation of a civil action; clerk of a general district court.** Requires a general district court clerk to file, process, and issue for service of process any pleading initiating a civil action in the general district court within 14 days of receipt of such pleading.

*Patron - Tyler*

## Courts of Record

### Passed

**[P]HB77 Venue in criminal cases; concurrent jurisdiction; obsolete provisions.** Provides that the courts of a locality have concurrent jurisdiction with the courts of any other adjoining locality over criminal offenses committed in or upon the premises, buildings, rooms, or offices owned or occupied by such locality or any officer, agency, or department thereof that are located in the adjoining locality and repeals an existing statute that provides such concurrent jurisdiction for certain enumerated localities. The bill also deletes references to corporation courts, which no longer exist, and repeals several obsolete provisions involving courts not of record that ceased to be applicable in 1980. This bill is a recommendation of the Virginia Code Commission.

*Patron - Habeeb*

**[P]HB166 Clerks of court.** States that the clerk of an appellate court may request paper trial court records to be forwarded to such clerk. The bill adds the Bond Book to the list of books for which a microphotographic process may be used to accomplish the recording of writings otherwise required to be recorded in a book or retained in the clerk's office. In addition, the bill repeals an obsolete section of the Code that required circuit court clerks to keep a log of documents submitted for recordation that had not been recorded because they had not been acknowledged or proved.

*Patron - Miyares*

**[P]HB235 Acceptability of electronic medium; record of criminal proceedings to appellate court.** Provides that in a criminal proceeding in circuit court any statutory requirement for an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall be satisfied if such item is in an electronic form approved for filing under the Rules of Supreme Court of Virginia. The bill also provides that in a criminal proceeding any statutory authorization for the use of copies or reproductions shall be satisfied by use of such copies or reproductions in hard copy or electronic form approved for filing under the Rules of Supreme Court of Virginia. Under current law, only in civil proceedings are such statutory requirements and authorizations satisfied by an approved electronic form of such items. This bill is a recommendation of the Judicial Council. This bill is identical to SB 180.

*Patron - Collins*

**[P]HB780 Public access to nonconfidential court records.** Provides that a clerk of court or the Executive Secretary of the Supreme Court shall make nonconfidential court records or reports of aggregated, nonconfidential case data available to the public upon request. The bill specifies that such records or reports shall be provided no later than 30 days after the request. The bill further provides that the clerk may charge a fee for responding to such request that shall not exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested records. Finally, the bill requires the Executive Secretary of the Supreme Court to make available to the public an online case

information system of nonconfidential information for criminal cases by July 1, 2019. This bill is identical to SB 564.

*Patron - Habeeb*

**[P]HB1024 Attorney fees for prevailing party; more than one attorney.** Repeals the provision that allows only the fee of one attorney to be taxed by the court, even if the recovering party had more than one attorney. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Adams, L.R.*

**[P]HB1301 Judges; central registry records check; statement of economic interests.** Requires that judges and substitute judges seeking reelection submit to a central registry records check for any founded complaint of child abuse or neglect. The bill also requires that any candidate seeking election to judicial office submit to a central registry records check and provide a written statement of economic interests.

*Patron - Adams, L.R.*

**[P]SB180 Acceptability of electronic medium; record of criminal proceedings to appellate court.** Provides that in a criminal proceeding in circuit court any statutory requirement for an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall be satisfied if such item is in an electronic form approved for filing under the Rules of Supreme Court of Virginia. The bill also provides that in a criminal proceeding any statutory authorization for the use of copies or reproductions shall be satisfied by use of such copies or reproductions in hard copy or electronic form approved for filing under the Rules of Supreme Court of Virginia. Under current law, only in civil proceedings are such statutory requirements and authorizations satisfied by an approved electronic form of such items. This bill is a recommendation of the Judicial Council. This bill is identical to HB 235.

*Patron - Stanley*

**[P]SB545 Court reporters; prohibited actions; civil penalties.** Establishes ethical standards and requirements for the provision of court reporting services, including prohibiting providers of court reporting services from (i) entering into contracts for more than one case, action, or legal proceeding with a party to an action, insurance company, third-party administrator, or any other person or entity that has a financial interest in the case, action, or legal proceeding; (ii) giving an economic advantage to one side that is not offered to the other; (iii) having a financial interest in the action; (iv) entering into an agreement for court reporting services that restricts an attorney from using the court reporter or court reporting services provider of the attorney's choosing; (v) allowing the format, content, or body of a certified transcript as submitted by the court reporter to be manipulated in a manner that increases the cost of the transcript; and (vi) providing additional advocacy or litigation support services. The bill provides that a person harmed by a violation of these standards may file a complaint with the administrative body, court, or administrative tribunal in which the action upon which the legal proceeding is based is pending or scheduled to be heard. The bill provides that the court reporter or court reporting services provider alleged to have violated such standards shall be given notice and a right to be heard on any such complaint, with the right of appeal or review. The bill further provides that a person who violates these standards is subject to a civil penalty of \$500 for a first offense, \$750 for a second offense, and \$1,000 for a third and any subsequent offense, which shall be paid to the state treasury and credited to the Legal Aid Services Fund within the Virginia State Bar fund.

*Patron - Obenshain*

**[P]SB564 Public access to nonconfidential court records.** Provides that a clerk of court or the Executive Secretary of the Supreme Court shall make nonconfidential court records or reports of aggregated, nonconfidential case data available to the public upon request. The bill specifies that such records or reports shall be provided no later than 30 days

after the request. The bill further provides that the clerk may charge a fee for responding to such request that shall not exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested records. Finally, the bill requires the Executive Secretary of the Supreme Court to make available to the public an online case information system of nonconfidential information for criminal cases by July 1, 2019. This bill incorporates SB 519 and is identical to HB 780.

*Patron - Obenshain*

**[P]SB939 Retired circuit court judges, Court of Appeals judges, and Supreme Court justices under recall; qualification by Committees for Courts of Justice.** Requires that retired circuit court judges sitting as substitutes be found qualified every three years by the Senate and House Committees for Courts of Justice instead of authorized by the Chief Justice. The bill also removes the requirement that retired Court of Appeals judges and Supreme Court justices shall be recalled pursuant to § 17.1-106. The bill provides that Court of Appeals judges and Supreme Court justices retired under the Judicial Retirement System (§ 51.1-300 et seq.) shall be subject to recall with the consent of a majority of the members of the respective court. The bill has a delayed effective date of July 1, 2019.

*Patron - Stuart*

## Failed

**[F]HB4 Public accessibility of case management system.** Requires the case management system operated and maintained by the Executive Secretary of the Supreme Court of Virginia to be open to the public for inspection. The bill provides that the case management system shall be searchable by party name, charge (for criminal cases), filing type (for civil cases), hearing date, and case number across all localities and that the entire compilation of records contained in the system shall be made available.

*Patron - Mullin*

**[F]HB51 Evidentiary hearings in the Supreme Court of Virginia; Judicial Inquiry and Review Commission.** Clarifies that the hearings allowed under the Constitution of Virginia related to complaints filed by the Judicial Inquiry and Review Commission are to be evidentiary hearings and that both the Commission and the judge who is the subject of the complaint are entitled to present evidence and argument during such hearings subject to any scheduling orders issued by the Court.

*Patron - Miyares*

**[F]HB126 Virginia Criminal Sentencing Commission; status of parole-eligible inmates; report.** Directs the Virginia Criminal Sentencing Commission to review the status of all offenders who are housed in state facilities operated by the Department of Corrections and who are subject to consideration for parole. The bill directs the commission to determine the number of such offenders who have already served, or who within the next six years will have served, an amount of time in prison equal to or more than the amount of time for which they would have been sentenced for the same offense under the current sentencing guidelines. The bill requires the Commission to report its findings on or before October 1, 2018, to the Governor, the Chairmen of the Senate and House Committees for Courts of Justice, the Chairman of the Senate Committee on Finance, the Chairman of the House Committee on Appropriations, and the Chairman of the Virginia State Crime Commission. The Commission last performed such a review in 2009.

*Patron - Carroll Foy*

**[F]HB381 Virginia State Police Electronic Summons System Fund.** Creates the Virginia State Police Electronic Summons System Fund, which is funded by a \$5 fee that the bill requires to be assessed as court costs in each criminal or

traffic case in which the Virginia State Police issued the summons, ticket, or citation; executed the warrant; or made the arrest. The bill directs that the Fund be used for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Under current law, localities may charge a fee of up to \$5 for each criminal or traffic case to be used for such purposes.

*Patron - Krizek*

**[F]HB691 Circuit courts; number of judges in the Twenty-first and Twenty-second Judicial Circuits.** Increases from two to three the maximum number of authorized judges in the Twenty-first Judicial Circuit (Martinsville, Patrick, Henry) and reduces from five to four the maximum number of authorized judges in the Twenty-second Judicial Circuit (Franklin, Pittsylvania, Danville). These adjustments are recommended in the National Center for State Courts report entitled "Virginia Judicial Workload Assessment Report," issued November 15, 2017. Additionally, the bill repeals provisions from 2014 that provide for the future reduction of the number of authorized judgeships in the Twenty-first Judicial Circuit from three to two.

*Patron - Poindexter*

**[F]HB1306 Creating a statewide e-filing system for civil case filings.** Provides that, except as otherwise provided by law, beginning July 1, 2019, no petition, pleading, motion, order, or decree filed in a civil case in a circuit court, including any agreement of the parties or transcripts, shall contain the social security number of any party, or of any minor child of any party, or any identifying financial information of any party. The bill further provides that, where such information is required by law, such information shall be contained in a separate addendum file by the attorney or party in such civil case. The bill further requires each circuit clerk to establish and operate a system for electronic filing. Current law provides that any such clerk may establish and operate such a system. The bill provides that, in any civil case filed on or after July 1, 2019, clerks of the circuit courts shall maintain all nonconfidential documents in electronic form and make such documents available through secure remote access and searchable by name and case number across all circuit courts that use the Office of the Executive Secretary's electronic imaging system. The bill directs the Executive Secretary of the Supreme Court to administer a paid subscription service that provides access to all electronic records maintained by the clerks who use such electronic imaging system for civil cases filed on or after July 1, 2019. The bill specifies that such subscription shall be on an annual basis, with an annual fee to be established by the Judicial Council of Virginia. The bill provides that any sums collected pursuant to such subscription shall be deposited into the state treasury to the credit of the Courts Technology Fund. The bill directs the Virginia Information Technologies Agency to update its document entitled "Security Standard for Restricted Remote Access to Documents on Court-Controlled Websites" consistent with the provisions of the bill by July 1, 2019. The requirement that the Virginia Information Technologies Agency update such document becomes effective in due course; the remaining provisions of the bill become effective on July 1, 2019.

*Patron - Habeeb*

**[F]SB416 Venue in criminal cases; concurrent jurisdiction; obsolete provisions.** Provides that the courts of a locality have concurrent jurisdiction with the courts of any other adjoining locality over criminal offenses committed in or upon the premises, buildings, rooms, or offices owned or occupied by such locality or any officer, agency, or department thereof that are located in the adjoining locality and repeals an existing statute that provides such concurrent jurisdiction for certain enumerated localities. The bill also deletes references to corporation courts, which no longer exist, and repeals several obsolete provisions involving courts not of record that ceased to be applicable in 1980. This bill is a recommendation of the Virginia Code Commission.

*Patron - McDougle*

**SB519 Public accessibility of case management system.** Requires the case management system operated and maintained by the Executive Secretary of the Supreme Court of Virginia to be open to the public for inspection. The bill provides that the case management system shall be searchable by party name, charge (for criminal cases), filing type (for civil cases), hearing date, and case number across all localities and that the entire compilation of records contained in the system shall be made available. This bill was incorporated into SB 564.

*Patron - Mason*

## Carried Over

**SB980 Creating a statewide e-filing system for civil case filings.** Provides that, except as otherwise provided by law, beginning July 1, 2019, no petition, pleading, motion, order, or decree filed in a civil case in a circuit court, including any agreement of the parties or transcripts, shall contain the social security number of any party, or of any minor child of any party, or any identifying financial information of any party. The bill further provides that, where such information is required by law, such information shall be contained in a separate addendum file by the attorney or party in such civil case. The bill further requires each circuit clerk to establish and operate a system for electronic filing. Current law provides that any such clerk may establish and operate such a system. The bill provides that, in any civil case filed on or after July 1, 2019, clerks of the circuit courts shall maintain all nonconfidential documents in electronic form and make such documents available through secure remote access and searchable by name and case number across all circuit courts that use the Office of the Executive Secretary's electronic imaging system. The bill directs the Executive Secretary of the Supreme Court to administer a paid subscription service that provides access to all electronic records maintained by the clerks who use such electronic imaging system for civil cases filed on or after July 1, 2019. The bill specifies that such subscription shall be on an annual basis, with an annual fee to be established by the Judicial Council of Virginia. The bill provides that any sums collected pursuant to such subscription shall be deposited into the state treasury to the credit of the Courts Technology Fund. The bill directs the Virginia Information Technologies Agency to update its document entitled "Security Standard for Restricted Remote Access to Documents on Court-Controlled Websites" consistent with the provisions of the bill by July 1, 2019. The requirement that the Virginia Information Technologies Agency update such document becomes effective in due course; the remaining provisions of the bill become effective on July 1, 2019. The provisions of the bill are contingent upon funding in a general appropriation act.

*Patron - Obenshain*

## Crimes and Offenses Generally

### Passed

**HB482 Witness testimony accompanied by certified facility dogs.** Provides that in any criminal proceeding the attorney for the Commonwealth or the defendant may request and the court may enter an order authorizing the use of a certified facility dog to aid a testifying witness, provided that the use of a certified facility dog will aid the witness in providing testimony and the presence and use of the certified facility dog will not interfere with or distract from the testimony or proceedings. The bill provides that the court may make any orders necessary to preserve the fairness of the proceeding, including imposing restrictions on and instructing the jury regarding the presence of the certified facility dog. The bill defines "certified facility dog" as a dog that (i) has completed training and been certified by a program accredited by Assistance Dogs Interna-

tional or another organization whose main purpose is to improve training, placement, and utilization of assistance dogs and (ii) is accompanied by a duly trained handler. This bill is identical to SB 420.

*Patron - Bell, Robert B.*

**HB638 Trespass; unmanned aircraft system; penalty.** Provides that any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of another and come within 50 feet of a dwelling house (i) to coerce, intimidate, or harass another person or (ii) after having been given notice to desist, for any other reason, is guilty of a Class 1 misdemeanor. The bill also provides that any person who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally (a) follow or contact another person without such person's permission or (b) capture images of another person without such person's permission when such images render the person recognizable is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of any individual named in the protective order is guilty of a Class 1 misdemeanor. The bill also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems, clarifies the scope of such prohibition, and clarifies that such prohibition extends to all political subdivisions and not only to localities. This bill is identical to SB 526. This bill received Governor's recommendations.

*Patron - Collins*

**HB1160 Commission on the Virginia Alcohol Safety Action Program; appointments.** Provides that the Speaker of the House of Delegates and the Senate Committee on Rules shall each appoint one director of a local alcohol safety action program to the Commission on the Virginia Alcohol Safety Action Program upon the consideration of the recommendations of the legislative members of the Commission. Currently, the two directors of local alcohol safety action programs appointed to the Commission are appointed by the legislative members serving on the Commission.

*Patron - Brewer*

**HB1246 Identity Theft Passport; police reports submitted to the Attorney General.** Provides that a person whose name or other identification has been used without his consent or authorization by another person may file with the Attorney General for the purposes of obtaining an Identity Theft Passport a copy of a police report showing that he has reported to a law-enforcement agency that his name or other identification has been used by another person without his consent or authorization.

*Patron - Toscano*

**HB1550 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 is identical to SB 105.

*Patron - Adams, L.R.*

**SB47 Female genital mutilation; criminal penalty.** Increases from a Class 1 misdemeanor to a Class 2 felony the penalty for any person to knowingly circumcise, excise, or infibulate the labia majora, labia minora, or clitoris of a minor; for any parent or guardian charged with the care of a minor to consent to such circumcision, excision, or infibulation; or for any parent or guardian charged with the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation.

*Patron - Black*

**SB57 Fleeing from a law-enforcement officer.** Relocates the existing section prohibiting fleeing from a law-enforcement officer to a more logical location with prohibitions for obstructing justice and resisting arrest.

*Patron - DeSteph*

**SB105 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 21, SB 102, SB 138, SB 157, SB 220, SB 221, and SB 472 and is identical to HB 1550.

*Patron - Suetterlein*

**SB420 Witness testimony accompanied by certified facility dogs.** Provides that in any criminal proceeding the attorney for the Commonwealth or the defendant may request and the court may enter an order authorizing the use of a certified facility dog to aid a testifying witness, provided that the use of a certified facility dog will aid the witness in providing testimony and the presence and use of the certified facility dog will not interfere with or distract from the testimony or proceedings. The bill provides that the court may make any orders necessary to preserve the fairness of the proceeding, including imposing restrictions on and instructing the jury regarding the presence of the certified facility dog. The bill defines "certified facility dog" as a dog that (i) has completed training and been certified by a program accredited by Assistance Dogs International or another organization whose main purpose is to improve training, placement, and utilization of assistance dogs and (ii) is accompanied by a duly trained handler. This bill is identical to HB 482.

*Patron - McDougale*

**SB526 Trespass; unmanned aircraft system; penalty.** Provides that any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of another and come within 50 feet of a dwelling house (i) to coerce, intimidate, or harass another person or (ii) after having been given notice to desist, for any other reason, is guilty of a Class 1 misdemeanor. The bill also provides that any person who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally (a) follow or contact another person without such person's permission or (b) capture images of another person without such person's permission when such images render the person recognizable is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of any individual named in the protective order is guilty of a Class 1 misdemeanor. The bill also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems, clarifies the scope of such prohibition, and clarifies that such prohibition extends to all political subdivisions and not only to localities. This bill is identical to HB 638. This bill received Governor's recommendations.

*Patron - Obenshain*

**SB912 Retired law-enforcement officers; carrying a concealed handgun; return to work.** Clarifies that a retired law-enforcement officer shall surrender his proof of consultation to carry a concealed handgun when he returns to work as a law-enforcement officer. Current law does not specify that his return to work be as a law-enforcement officer.

*Patron - Chase*

## Failed

**HB10 Hate crimes; gender, sexual orientation, gender identity, or disability; penalty.** Adds disability, gender, gender identity, and sexual orientation to the categories of vic-

tims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds disability, gender, gender identity, and sexual orientation status to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill also provides that a person who is subjected to acts of vandalism to his real or personal property, where such vandalism is motivated by disability, gender, gender identity, and sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of disability, gender, gender identity, sexual orientation.

*Patron - Kory*

**HB17 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 - Hope*

**HB31 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*

**HB41 Mechanical devices designed to increase the rate of fire of firearms; penalty.** Prohibits the manufacture, import, sale or offer to sell, possession, transfer, or transportation of any device used to increase the rate of fire of any semi-automatic firearm beyond the capability of an unaided person to operate the trigger mechanism of that firearm. A violation is punishable as a Class 1 misdemeanor.

*Patron - Levine*

**HB42 Common-law crime of suicide.** Abolishes the common-law crime of suicide. Suicide is currently a common-law crime in Virginia, although there is no statutorily prescribed punishment.

*Patron - Kory*

**HB43 Reporting lost or stolen firearms; civil 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 24 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center (NCIC). A violation is punishable by a civil penalty of \$50 for a first offense and 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 is immune from criminal or civil liability for acts or omissions that result from the loss or theft; the immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

*Patron - Bourne*

**HB91 Concealed handgun permits; 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.*

**HB95 Female genital mutilation; criminal penalty.** Increases from a Class 1 misdemeanor to a Class 6 felony the

penalty for any person to knowingly circumcise, excise, or infibulate the labia major, labia minora, or clitoris of a minor; for any parent or guardian charged with the care of a minor to consent to such circumcision, excision, or infibulation; or for any parent or guardian charged with the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation.

*Patron - Miyares*

**HB113 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 - Carroll Foy*

**HB127 Construction fraud; penalty.** Revises the crime of construction fraud so that a person is guilty if he fraudulently fails or refuses to perform a promise for construction after having obtained an advance of money or other thing of value to do so. Currently, in order for a person to be guilty, he must have obtained the advance with fraudulent intent.

*Patron - Cole*

**HB137 Possession or distribution of marijuana for medical purposes; affirmative defense for treatment of cancer.** Provides an affirmative defense to prosecution for possession of marijuana if a person has a valid written certification issued by a practitioner for cannabidiol oil or THC-A oil for treatment of, or to alleviate the symptoms of, cancer. Under current law, only the treatment of intractable epilepsy is covered by the affirmative defense.

*Patron - Levine*

**HB138 Fornication; repeal.** Repeals the crime of fornication, i.e., voluntary sexual intercourse by an unmarried person.

*Patron - Levine*

**HB140 Firearm transfers; criminal history record information checks; penalty.** Requires a background check for any firearm transfer 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 exempts transfers between immediate family members, transfers that occur by operation of law, transfers by the executor or administrator of an estate or by the trustee of a testamentary trust, and temporary transfers that occur in the presence of the owner of the firearm or are necessary to prevent imminent death or serious bodily injury. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary.

*Patron - Levine*

**HB173 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.

*Patron - Filler-Corn*

**HB189 Use or display of firearm during commission of a felony; killing or injuring police animals; penalty.** Adds maliciously shooting, stabbing, wounding, or otherwise causing bodily injury to or administering poison to any animal used or trained by a law-enforcement agency, regional jail, or the Department of Corrections to the list of felonies for which a separate penalty is prescribed if a firearm is used during the commission of the offense.

*Patron - Fowler*

**HB198 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 until such warrant has been dissolved by a court or who are the subject of an order to retain firearms are guilty of a Class 1 misdemeanor for purchasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person he knows has been served with a warrant or who is the subject of an order is guilty of a Class 6 felony.

*Patron - Sullivan*

**HB208 Sexual battery; penalty.** Removes the requirement that sexual battery be committed by force, threat, intimidation, or ruse and eliminates a provision, rendered superfluous by such removal, that makes a person guilty of sexual battery who, within a two-year period, sexually abuses more than one complaining witness or one complaining witness on more than one occasion.

*Patron - Mullin*

**HB225 Grand larceny; threshold.** Increases from \$200 to \$750 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 - Hayes*

**HB258 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. The bill specifies that a computer user is not required to be given notice of the activities of a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator that are required or authorized by law or that such user should expect may occur in the context of the user's transaction or relationship with that entity.

*Patron - Bell, John J.*

**HB266 Hate crimes; gender, gender identity, or sexual orientation; penalty.** Adds gender, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds gender, gender identity, and sexual orientation status to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill provides that a person who is subjected to acts of vandalism to his real or personal property, where such vandalism is motivated by gender, gender identity, or sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of gender, gender identity, or sexual orientation.

*Patron - Turpin*

**HB279 RICO Act; computer crimes; penalty.** Adds certain felony offenses contained in the Virginia Computer Crimes Act as qualifying offenses under the Virginia Racketeer Influenced and Corrupt Organization (RICO) Act. Such crimes include computer fraud, transmission of unsolicited commercial electronic mail, computer trespass, computer invasion of

privacy, using a computer to gather identifying information, and theft of computer services.

*Patron - Bell, John J.*

**HB280 Grand larceny; first offender; sentence reduction.** Provides that a person not previously convicted of larceny who is found guilty of grand larceny where the value of the property taken was at least \$200 and less than \$1,000 may be placed on probation. The bill provides that the court shall find the person guilty of a Class 1 misdemeanor upon successful completion of probation; otherwise, the court shall find the person guilty of the felony associated with grand larceny.

*Patron - Collins*

**HB281 Relating to possession of certain firearms by minors; parental permission; penalty.** Requires any minor who possesses certain firearms in the home or on the property of his parent, grandparent, or legal guardian to have prior permission from such parent, grandparent, or legal guardian to possess such firearms.

*Patron - Price*

**HB290 Obscene sexual display; third offense; penalty.** Adds engaging in an obscene sexual display, i.e., actual or explicitly simulated masturbation in a public place, to the list of misdemeanor sex offenses for which the penalty for a third offense of any of the listed offenses committed in a 10-year period is a Class 6 felony.

*Patron - Collins*

**HB300 Assault and battery; hate crime; penalty.** Makes it a Class 6 felony to commit a simple assault or assault and battery against a victim who was selected because of the victim's race, religious conviction, color, or national origin. Currently, a simple assault or assault and battery not resulting in bodily injury committed against such a victim is a Class 1 misdemeanor and an assault and battery resulting in bodily injury committed against such a victim is a Class 6 felony.

*Patron - Watts*

**HB307 Prohibited solicitation; penalty.** Provides that no seller or person acting for him shall remain upon the land, buildings, or premises of another in order to make or attempt to make a home solicitation sale to any person that he knows or reasonably should know resides in a dwelling unit located upon such land, buildings, or premises that has been posted with a no soliciting sign. A violation of this provision is punishable as a Class 1 misdemeanor.

*Patron - Watts*

**HB342 Peeping or spying into dwelling; penalty.** Provides that a person who owns property leased to another who peeps or spies, including using an electronic device to peep or spy, into a building or other structure occupied as a dwelling under circumstances that would violate the reasonable expectation of privacy of any person lawfully present in such building or structure is guilty of a Class 1 misdemeanor. Currently, such person must violate the reasonable expectation of the occupant of such building or structure.

*Patron - Herring*

**HB353 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) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms.

*Patron - Reid*

**HB366 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 if a court enters an order restoring a felon's right, the order shall contain the felon's name and date of birth and the clerk of the court shall certify and forward the restoration order to the Central Criminal Records Exchange (CCRE). The bill provides that the Department of State Police, upon receipt of the restoration order, shall enter the felon's name and description in the CCRE so that law-enforcement personnel accessing the CCRE will be aware of the order's existence. The bill has a delayed effective date of July 1, 2019.

*Patron - Rush*

**HB374 Exposure to controlled substances; bodily injury to law-enforcement officers, etc.; penalty.** Provides that if a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel is exposed to a controlled substance while engaged in the performance of his official duties and such exposure causes bodily injury, the person who knowingly or intentionally possessed such controlled substance is guilty of a Class 6 felony. This provision also applies to exposure to a controlled substance by a police animal performing its lawful duties or being kept in a kennel, pen, or stable while off duty.

*Patron - Yancey*

**HB405 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 - Levine*

**HB412 Marriage-related criminal laws; gender-neutral terms; adultery repeal; penalty.** Amends various criminal and criminal procedure laws to make them applicable to both same-sex and opposite married couples to comport with the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015). The bill also repeals the crime of adultery.

*Patron - Simon*

**HB415 Certain gender-specific crimes; penalty.** Makes applicable to all persons, regardless of the gender of the victim, the crimes of (i) assisting or aiding in the abduction of or threatening to abduct a female under 16 years of age for the purpose of concubinage or prostitution, (ii) placing or leaving one's wife in a bawdy place, and (iii) defaming the chaste character of a female. The bill also provides that a defendant placed on probation may be ordered to provide support for the defendant's spouse; currently, the law only provides for support of a defendant's wife.

*Patron - Simon*

**HB450 Abortion; informed written consent.** Repeals the statutory requirements that a physician obtain a pregnant woman's informed written consent and perform fetal transabdominal ultrasound imaging before performing an abortion.

*Patron - Rodman*

**HB478 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 has been previously convicted of any of these offenses, however punished, or of assault or bodily wounding within the preceding 20 years and the victim of the prior and the instant offenses is the same.

*Patron - Reid*



**HB498 Out-of-state concealed handgun permits; reciprocity.** Eliminates the recent expansion of the recognition of concealed handgun permits issued by other states and reinstates the prior law that provides that Virginia will recognize concealed handgun permits issued by other 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 reinstates the recognition of certain Maryland concealed handgun permits and eliminates the requirement that the Superintendent of State Police enter into agreements for reciprocal recognition of concealed handgun permits or licenses with other states where agreements were in existence on December 1, 2015.

*Patron - Simon*

**HB502 Criminal street gang; predicate offenses; penalty.** Adds sexual battery to the list of predicate criminal acts that, if committed by a member of a criminal street gang, may be subject to additional criminal penalties in addition to the penalties associated with the underlying offense.

*Patron - Mullin*

**HB510 Driving while using handheld personal communications device; penalty.** Provides that a person who, as a result of driving while in violation of the prohibition on using handheld personal communications 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 term of incarceration of one year. The bill creates a Class 6 felony if the driving while in violation of the prohibition on using handheld personal communications devices 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.

*Patron - Mullin*

**HB519 Definition of violent felony; assault and battery against a law-enforcement officer, etc.** Adds to the list of violent felonies assault and battery against a judge, magistrate, law-enforcement officer, correctional officer, firefighter, or other public safety personnel. The consequences when an offense falls under the definition of violent felony include increased sentencing ranges, enhanced punishment for certain other offenses, restricted eligibility for participation in a drug treatment court, a presumption against bail for persons illegally present in the United States, and an expansion of the definition of victim for the purpose of compensation of crime victims.

*Patron - Bell, Robert B.*

**HB546 Grand larceny; first offender; sentence reduction.** Provides that a person not previously convicted of larceny who is found guilty of grand larceny where the value of the property taken was at least \$200 and less than \$1,000 may have the proceedings against him deferred for a period of 60 days. The bill provides that if the person pays restitution in the amount of two times the value of the property taken, the court shall find the person guilty of a Class 1 misdemeanor; otherwise, the court shall find the person guilty of the felony associated with grand larceny.

*Patron - Freitas*

**HB571 Unlawful consumption, purchase, or possession of alcohol.** Clarifies that it is an affirmative defense to a charge of unlawful consumption, purchase, or possession of any alcoholic beverage if the defendant shows that such consumption, purchase, or possession was allowed under the current exemptions to licensure under the ABC law. The bill provides that it is declaratory of existing law.

*Patron - Habeeb*

**HB595 Safe reporting of overdoses.** Extends to an individual experiencing a drug-related or alcohol-related overdose the affirmative defense to prosecution for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol, if another individual, in good faith, sought or obtained emergency medical attention for the individual experiencing the overdose. Under current law, the affirmative defense applies only to an individual who sought or obtained emergency medical attention for another individual experiencing an overdose or to an individual who sought or obtained emergency medical attention for himself.

*Patron - Carr*

**HB596 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 \$500 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 - Carr*

**HB597 Mechanical devices designed to increase the rate of fire of firearms; penalty.** Prohibits the manufacture, import, sale or offer to sell, possession, transfer, or transportation of any device used to increase the rate of fire of any semi-automatic firearm beyond the capability of an unaided person to operate the trigger mechanism of that firearm. A violation is punishable as a Class 3 misdemeanor.

*Patron - Carr*

**HB602 Concealed handgun permits; 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 - Carr*

**HB603 Nonresident concealed handgun permits; fee.** Increases from \$100 to \$150 the maximum fee that can be charged by the Department of State Police for issuing a nonresident concealed handgun permit.

*Patron - Carr*

**HB618 Larceny; subsequent offenses.** Eliminates the enhanced Class 6 felony applicable for a third or subsequent offense of petit larceny.

*Patron - Carroll Foy*

**HB623 False reports to law enforcement; penalty.** Increases from a Class 1 misdemeanor to a Class 6 felony the punishment for knowingly making a false report to or calling or summoning without just cause any law-enforcement official if such report, call, or summons (i) involves a report of an act of violence or (ii) results in an immediate emergency response due to the facts of the crime falsely reported. The bill increases the penalty to a Class 5 felony if such emergency response results in serious bodily injury to or the death of any person. The bill also provides that a person convicted of such an offense be ordered to pay restitution for the reasonable expenses incurred in providing an appropriate emergency response.

*Patron - Bell, Robert B.*

**HB629 Purchase, possession, and transportation of firearms; fugitives; penalty.** Provides that it is a Class 1 misdemeanor for any person who is a fugitive to purchase, possess, or transport a firearm. The bill also updates the criminal history record information check form to inquire if the applicant is a fugitive, as defined in the bill.

*Patron - Sullivan*

**HB648 Transfer of multiple firearms; report to the Department of State Police.** Requires any dealer who sells, trades, or transfers more than two firearms to an individual in a single transaction to report such transaction to the Department of State Police.

*Patron - Simon*

**HB649 Prohibited public carrying of certain firearms; penalty.** Prohibits the carrying of a loaded shotgun or rifle in places open to the public in certain cities and counties. Current law prohibits the carrying in such locations of certain loaded firearms with high-capacity magazines, silencers, folding stock, or long ammunition or a loaded shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered. The bill adds the City of Roanoke to the list of cities in which the carrying of such firearms is prohibited.

*Patron - Simon*

**HB650 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) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms.

*Patron - Murphy*

**HB651 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) to possess a firearm while the order is in effect. Under current law, only a person subject to a permanent protective order for family abuse is prohibited from possessing a firearm while the order is in effect.

*Patron - Murphy*

**HB661 First offense assault and battery against a family or household member; enhanced penalty.** 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 penalty for assault and battery against a family or household member, which applies on the basis of a person's prior convictions.

*Patron - Murphy*

**HB679 Breach of personal information notification; unreasonable delay.** Defines the term "unreasonable delay" as a period not to exceed 30 days for purposes of the disclosure requirements imposed upon a person or entity that owns or licenses computerized data that includes personal information when there is a security breach involving such information. Currently, the term is undefined.

*Patron - Pogge*

**HB681 Nonresident concealed handgun permits; time of issuance.** Requires the Department of State Police (Department) to issue a concealed handgun permit to a nonresident within 45 days of receipt of the nonresident's completed application unless it determines that he is disqualified. The bill

provides that the Department shall certify the nonresident's application as a de facto concealed handgun permit, which is effective for a period of 90 days after issuance, if the Department has not issued the permit or determined that the nonresident is disqualified within that 45-day period.

*Patron - Pogge*

**HB693 Throwing certain substances upon property used for agricultural operations; penalty.** Makes it a Class 6 felony to throw, deposit, or cause to be deposited any glass bottle, glass, nail, tack, wire, or can or any other substance upon real property being used for an agricultural operation if such item or substance causes at least \$200 in damages to any machinery or motor vehicle being used in the agricultural operation. The bill also requires that a court order a person convicted of the offense to pay restitution.

*Patron - Poindexter*

**HB706 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 - Filler-Corn*

**HB707 Allowing access to firearms by children; penalty.** Provides that any person who leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor.

*Patron - Filler-Corn*

**HB717 Transfer of firearms; criminal history record information check; penalties.** Requires that a criminal history record information check be performed on the prospective transferee before a vendor, defined in the bill, may transfer firearms at a gun show. A violation is a Class 6 felony. The bill also requires that the promoter of a firearms show post notice of the requirement for a criminal history record information check and provide vendors with access to licensed dealers who will conduct the criminal history record information check. The bill repeals a provision added by the 2016 Session of the General Assembly that 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.

*Patron - Plum*

**HB718 Hate crimes; gender, sexual orientation, gender identity, or disability; penalty.** Adds disability, gender, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds disability, gender, gender identity, and sexual orientation status to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill also provides that a person who is subjected to acts of vandalism to his real or personal property, where such vandalism is motivated by disability, gender, gender identity, and sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of disability, gender, gender identity, sexual orientation.

*Patron - Plum*

**HB719 Hate crimes; immigration status; civil action; penalty.** Adds immigration status to the bases of a victim's intentional selection for a hate crime involving assault,

assault and battery, or trespass for the purpose of damaging another's property that result in a higher criminal penalty for the offense. The bill also adds immigration status to the bases of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill also provides that a person who is subjected to acts of (i) intimidation or harassment, (ii) violence, or (iii) vandalism to his real or personal property, where such act is motivated by animosity toward a person's immigration status, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of immigration status.

*Patron - Plum*

**HB720 Purchase and transport of firearms; simple assault hate crime.** Prohibits persons convicted of simple assault or assault and battery when the victim was selected because of his race, religious conviction, color, or national origin from purchasing or transporting a firearm for five years following such conviction.

*Patron - Plum*

**HB721 Firearm transfers; criminal history record information checks; penalty.** Requires a background check for any firearm transfer 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 exempts transfers between immediate family members, transfers that occur by operation of law, transfers by the executor or administrator of an estate or by the trustee of a testamentary trust, and temporary transfers that (i) occur within the continuous presence of the owner of the firearm; (ii) are necessary to prevent imminent death or serious bodily injury; (iii) occur at a shooting range, shooting gallery, or other area designed for the purpose of target shooting, for use during target practice, a firearms safety or training course or class, a shooting competition, or any similar lawful activity; or (iv) are for the purpose of and while the transferee is engaged in hunting, trapping, or target shooting. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary.

*Patron - Plum*

**HB739 Killing of police animals; penalty.** Provides that any owner or custodian of a canine, canine crossbreed, or other animal whose willful act or omission in the care, control, or containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show a reckless disregard for the safety of persons or property and is the proximate cause of such canine, canine crossbreed, or other animal attacking a dog, horse, or other animal owned, used, or trained by a law-enforcement agency, regional jail, the Department of Corrections, or the Department of Emergency Management while such animal is performing his lawful duties or is being kept in a kennel, pen, or stable while off duty where such attack results in the death of such dog, horse, or other animal is guilty of a Class 5 felony. The bill also provides that it is a Class 5 felony to maliciously shoot, stab, wound or otherwise cause bodily injury to, or administer poison to a dog, horse, or other animal owned, used, or trained by a law-enforcement agency while such animal is performing his lawful duties or is being kept in a kennel, pen, or stable while off duty. Currently, such conduct is punishable as a Class 5 felony if the animal is owned, used, or trained by a law-enforcement agency, regional jail, or the Department of Corrections.

*Patron - McGuire*

**HB745 Adultery; civil penalty.** Reduces the penalty for adultery from a Class 4 misdemeanor to a civil penalty of not more than \$250.

*Patron - Leftwich*

**HB749 Abduction of minor for the purpose of prostitution; 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, 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 minors under 18 years of age.

*Patron - Leftwich*

**HB819 Mechanical devices designed to increase the rate of fire of firearms; penalty.** Prohibits the manufacture, import, sale or offer to sell, possession, transfer, or transportation of any device used to increase the rate of fire of any semi-automatic firearm beyond the capability of an unaided person to operate the trigger mechanism of that firearm. A violation is punishable as a Class 6 felony.

*Patron - Kory*

**HB890 Carrying a switchblade knife; exception.** Authorizes any person who has a valid concealed handgun permit to carry a switchblade knife concealed when such knife is carried for the purpose of engaging in a lawful profession or lawful recreational activity the performance of which is aided by the use of a switchblade knife.

*Patron - Webert*

**HB927 Prohibition of sale, transfer, etc., of certain firearms magazines and firearms; penalties.** Prohibits any person from importing, selling, bartering, or transferring a firearms magazine designed to hold more than 10 rounds of ammunition. A violation is a Class 6 felony. 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 also increases from a Class 1 misdemeanor to a Class 6 felony the penalty for carrying a semi-automatic center-fire firearm and a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered in a public place. The bill redefines "assault firearm" by reducing from more than 20 to more than 10 the number of rounds of ammunition that a firearms magazine will hold in order to be defined as an "assault firearm" and prohibits a dealer from selling, renting, trading, or transferring from his inventory such an assault firearm to any person. The bill also reduces from more than 20 to more than 10 the number of rounds of ammunition that a firearms magazine will hold in order to be defined as an "assault firearm" for purposes of possession or transportation by a person younger than 18 years of age and increases the penalty from a Class 1 misdemeanor to a Class 6 felony for a person younger than 18 years of age to possess or transport a handgun, an assault firearm, or a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered, with some exceptions.

*Patron - Hope*

**HB928 Possession of firearms in legislative buildings.** Prohibits the possession of firearms in the Capitol and any building used predominately for the conduct of the business of the General Assembly. The prohibition does not apply to officers, employees, or members of the General Assembly or to law-enforcement officers.

*Patron - Hope*

**HB931 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 6 felony.

*Patron - Lopez*

**HB949 Transfer of firearms; criminal history record check delay; penalty.** 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 may immediately complete the sale or transfer if he is advised by the State Police that a response will not be available within the required timeframe.

*Patron - Lopez*

**HB950 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*

**HB974 Medical marijuana; written certification.** Allows a person to possess marijuana or tetrahydrocannabinol pursuant to a valid written certification issued by a physician for the treatment of any medical condition deemed terminal or debilitating by a licensed health care professional, pain management, cancer, glaucoma, intractable epilepsy, human immunodeficiency virus, osteoporosis, or arthritis. The bill allows a physician or pharmacist to distribute such substances without being subject to prosecution. Under current law, a person has an affirmative defense to prosecution for possession of marijuana if the marijuana is in the form of cannabidiol oil or THC-A oil and the person has been issued a written certification by a physician that such marijuana is for the purposes of treating or alleviating the person's symptoms of intractable epilepsy. The bill expands the authority for a pharmaceutical processor, after obtaining a permit from the Board of Pharmacy and under the supervision of a licensed pharmacist, to manufacture and provide marijuana in any form to be used for the treatment of any medical condition deemed terminal or debilitating by a licensed health care professional, pain management, cancer, glaucoma, intractable epilepsy, human immunodeficiency virus, osteoporosis, or arthritis, not just marijuana in the form of cannabidiol oil and THC-A oil to be used for the treatment of intractable epilepsy. Finally, the bill clarifies that the penalties for forging or altering a written certification for medical marijuana or for making or uttering a false or forged written certification are the same as the penalties for committing the same acts with regard to prescriptions.

*Patron - Guzman*

**HB977 Firearm transfers; criminal history record information checks; penalty.** Requires a background check for any firearm transfer 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 exempts transfers between immediate family members, transfers that occur by operation of law, transfers by the executor or administrator of an estate or by the trustee of a testamentary trust, and temporary transfers that occur in the presence of the owner of the firearm or are necessary to prevent imminent death or serious bodily injury. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary.

*Patron - Guzman*

**HB983 Street gangs; predicate criminal acts; penalty.** Adds burglary with the intent to commit larceny, assault and battery, or certain felonies and burglary with the intent to commit any other misdemeanor to the list of predicate criminal acts associated with gang activity.

*Patron - Guzman*

**HB984 Prostitution; minors.** Allows a petition for a child in need of services to be substituted for a delinquency petition for a minor arrested for prostitution if the minor is willing to participate in specialized services for those engaged in commercial sexual conduct.

*Patron - Yancey*

**HB1009 Prohibited public carrying of certain firearms; penalty.** Adds the City of Charlottesville and the County of Albemarle to the list of localities in which it is prohibited to carry certain loaded firearms with high-capacity magazines, silencers, folding stock, or long ammunition or a loaded shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered.

*Patron - Toscano*

**HB1037 Performance of abortions.** Eliminates the requirement that two other physicians certify that a third trimester abortion is necessary to prevent the woman's death or impairment of her mental or physical health.

*Patron - Convirs-Fowler*

**HB1063 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, a first offense is punishable by a maximum fine of \$500 and a maximum jail sentence of 30 days, 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 provides that the existing suspended sentence and substance abuse screening provisions apply only to criminal violations or to civil violations by a minor. The bill decreases the penalty for distribution or possession with intent to sell more than one-half but not more than five pounds of marijuana from a Class 5 felony to a Class 6 felony.

*Patron - Heretick*

**HB1064 Medical marijuana; written certification.** Allows a person to possess marijuana or tetrahydrocannabinol pursuant to a valid written certification issued by a physician for the treatment of any medical condition and allows a physician or pharmacist to distribute such substances without being subject to prosecution. Under current law, a person has an affirmative defense to prosecution for possession of marijuana if the marijuana is in the form of cannabidiol oil or THC-A oil and the person has been issued a written certification by a physician that such marijuana is for the purposes of treating or alleviating the person's symptoms of intractable epilepsy. The bill expands the authority for a pharmaceutical processor, after obtaining a permit from the Board of Pharmacy and under the supervision of a licensed pharmacist, to manufacture and provide marijuana in any form to be used for the treatment of any medical condition, not just marijuana in the form of cannabidiol oil and THC-A oil to be used for the treatment of intractable epilepsy. Finally, the bill clarifies that the penalties for forging or altering a written certification for medical marijuana or for making or uttering a false or forged written certification are the same as the penalties for committing the same acts with regard to prescriptions.

*Patron - Heretick*

**HB1073 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 - Heretick*

**HB1081 Stolen firearms; penalties.** Creates or enhances penalties for crimes related to larceny of a firearm or use of a stolen firearm during the commission of a felony. The bill provides that it is (i) a Class 3 felony with a five-year mandatory minimum sentence to commit larceny of a firearm with the intent to sell or distribute and (ii) a Class 5 felony with a two-year mandatory minimum sentence to sell or distribute, attempt to sell or distribute, or possess with the intent to sell or distribute a stolen firearm. The bill adds a one-year mandatory minimum sentence to the crime of receiving a stolen firearm, which is a Class 6 felony. Finally, the bill increases the mandatory minimum sentences for possession of a firearm during the commission of a felony, if such firearm was stolen, from three

years to five years for a first offense and from five years to 10 years for a second or subsequent offense.

*Patron - Yancey*

**[F]HB1105 Petit larceny; state of emergency; penalty.** Provides that the penalty for committing petit larceny of goods or merchandise from a store or mercantile establishment shall include a mandatory minimum sentence of 10 days if such larceny occurs within three days after the occurrence of a disaster, emergency, or major disaster that resulted in the declaration of a state of emergency by the Governor or the President of the United States.

*Patron - Stolle*

**[F]HB1143 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 - Convirs-Fowler*

**[F]HB1145 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 - Convirs-Fowler*

**[F]HB1180 Carrying dangerous weapon to place of religious worship; repeal.** Repeals the statutory prohibition on carrying a gun, pistol, bowie knife, dagger, or other dangerous weapon, without good and sufficient reason, to a place of worship while a meeting for religious purposes is being held at such place.

*Patron - LaRock*

**[F]HB1231 Whole Woman's Health Act; right to abortion; provision of abortion.** Provides that a pregnant person has a fundamental right to obtain a lawful abortion and that no statute or regulation shall be construed to prohibit the performance of an abortion prior to viability or if necessary to protect the life or health of the pregnant person. The bill also provides that any statute that places a burden on a pregnant person's access to abortion without conferring any legitimate health benefit is unenforceable. The bill expands who can perform first trimester abortions to include, in addition to physicians, physician's assistants and midwives licensed by the Board of Medicine acting within their scope of practice, nurse practitioners or certified nurse midwives jointly licensed by the Board of Medicine and the Board of Nursing acting within their scope of practice, and persons acting pursuant to orders and under the appropriate supervision of a physician who is acting within the physician's scope of practice. The bill also expands who can perform second trimester abortions to include persons acting pursuant to orders and under the appropriate supervision of a physician. The bill eliminates the requirement that second trimester abortions be performed in a licensed hos-

pital. The bill eliminates the requirement that two other physicians certify that a third trimester abortion is necessary to prevent the pregnant person's death or impairment of her mental or physical health as well as the need to find that the pregnant person's health would be substantially and irretrievably impaired. The bill permits a third trimester abortion if the pregnancy is not viable. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a pregnant person's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a pregnant person's informed written consent first be obtained. The bill removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals. The bill also removes the prohibition on the sale of health insurance policies that provide coverage for abortions through an exchange established or operating in the Commonwealth pursuant to the federal Patient Protection and Affordable Care Act. The bill eliminates the crime, punishable as a Class 4 felony, of administering a drug or other thing to a pregnant person or using other means with the intent to destroy such person's unborn child or to produce an abortion or miscarriage.

*Patron - Boysko*

**[F]HB1237 First offense assault and battery against a family or household member; enhanced penalty.** 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 penalty for assault and battery against a family or household member that applies on the basis of a person's prior convictions.

*Patron - Delaney*

**[F]HB1255 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 - Cline*

**[F]HB1313 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 - Lindsey*

**[F]HB1315 Abusive language; sports official; penalty.** Makes it a Class 1 misdemeanor for a person to, in the presence or hearing of a sports official, curse or abuse the sports official or use violent abusive language toward the sports official concerning the sports official or his relations under circumstances reasonably calculated to provoke a breach of the peace. Currently, such conduct is punished as a Class 3 misdemeanor regardless of the subject of such conduct.

*Patron - Hope*

**[F]HB1327 Pneumatic guns on school property; penalty.** Makes it a Class 6 felony to possess a pneumatic gun, i.e., a gun that will expel a BB or a pellet by action of pneumatic pressure, on school property, property being used exclusively for school-sponsored functions or extracurricular activities, or a school bus.

*Patron - Edmunds*

**[F]HB1334 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 - Brewer*

**[FHB1335 Protective orders; issuance upon convictions for certain felonies; penalty.** Authorizes a court to issue a protective order upon convicting a defendant for a felony offense of (i) violating a protective order, (ii) homicide set forth in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2, (iii) kidnapping set forth in Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2, (iv) assaults and bodily woundings set forth in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, (v) extortion set forth in Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2, or (vi) criminal sexual assault set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2. The bill provides that the duration of such protective order can be for any period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim and may only prohibit (a) acts of family abuse or of violence, force, or threat against the victim or criminal offenses that may result in injury to the person or property of the victim and (b) such contacts by the defendant with the victim as the court deems necessary for the health or safety of the victim. The bill provides that a violation of a protective order issued upon conviction of one of the enumerated offenses is punishable as contempt of court or in the same manner as criminal violations of other protective orders are punished.

*Patron - Bourne*

**[FHB1364 Closed preliminary hearings.** Adds child pornography offenses, use of a communications system to facilitate certain offenses involving children, and unlawful filming to the list of sex offenses where, during a preliminary hearing for such an offense, a court may exclude all persons from the courtroom except those who would be supportive of the complaining witness or the accused and would not impair the conduct of a fair hearing.

*Patron - Toscano*

**[FHB1373 Firearm transfers; criminal history record information checks; penalty.** Requires a background check for any firearm transfer and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a check from licensed firearms dealers. A transferor who sells a firearm to another person without obtaining the required background check is guilty of a Class 6 felony. The bill exempts transfers (i) between immediate family members, (ii) that occur by operation of law, (iii) by the executor or administrator of an estate or by the trustee of a testamentary trust, and (iv) that are temporary and occur in the presence of the owner of the firearm or are necessary to prevent imminent death or serious bodily injury. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a criminal history record information check before a firearm may be transferred.

*Patron - Plum*

**[FHB1385 Disqualifications for a concealed handgun permit; adjudications of delinquency.** Provides that an individual is not disqualified from obtaining a concealed handgun permit on the basis of prior convictions or adjudications of delinquency if the individual's right to possess a firearm has been restored. The bill also reduces the length of time a conviction or adjudication of delinquency serves as a disqualifier for a concealed handgun permit from 16 years to 10 years.

*Patron - Bell, Richard P.*

**[FHB1398 Application for a concealed handgun permit.** Allows a Virginia resident or domiciliary to submit an

application for a new concealed handgun permit via mail. Currently, only persons who have previously been issued a concealed handgun permit may submit an application via mail.

*Patron - Fariss*

**[FHB1443 Carrying concealed handguns; retired law-enforcement officers.** Provides that a law-enforcement officer who is eligible for retirement with at least 20 years of service who transfers to a civilian position within his employing law-enforcement agency may carry a concealed handgun without a permit, provided that such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency. Current law allows such law-enforcement officer to carry a concealed handgun without a permit only if he has resigned to accept a position covered by a retirement system authorized under Title 51.1 of the Code of Virginia.

*Patron - Mullin*

**[FHB1469 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 - Hugo*

**[FHB1509 Charitable Gaming Board; Texas Hold'em poker events.** Allows a qualified organization to conduct Texas Hold'em poker events in conjunction with its charitable gaming activities. The conditions under which a qualified organization may manage, operate or contract with operators of, or conduct Texas Hold'em poker games and tournaments shall be prescribed by the Charitable Gaming Board. The bill provides that the initial regulations adopted by the Charitable Gaming Board pertaining to the conduct of Texas Hold'em events shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.).

*Patron - Davis*

**[FHB1513 Trauma Center Fund; violent felony offenses.** Expands the scope of the Trauma Center Fund (Fund), which currently is used to defray the costs of providing emergency care to victims of automobile accidents attributable to drug or alcohol use, to encompass providing care to victims of violent felony offenses. The bill provides that any person convicted of a violent felony offense shall be ordered to pay \$50 to the Fund and eliminates the current provision that such payment is required only upon a second or subsequent conviction.

*Patron - Stolle*

**[FHB1516 Prostitution-related crimes; minors; penalties.** Increases to a Class 6 felony from a Class 1 misdemeanor the penalties for the following crimes if a minor is involved: (i) keeping, residing in, or visiting a bawdy place; (ii) aiding prostitution; and (iii) using vehicles to promote prostitution. The bill also adds felony violations of these offenses to (a) the Sex Offender and Crimes Against Minors Registry, (b) the definition of violent felony for the purposes of the sentencing guidelines, (c) the list of predicate criminal acts for street gangs, (d) the list of offenses that may constitute racketeering under the Virginia Racketeer Influenced and Corrupt Organization Act, and (e) the offenses that may be investigated by a

multi-jurisdiction grand jury. The bill also makes applicable to all persons, regardless of the gender of the victim, the crimes of (1) assisting or aiding in the abduction of or threatening to abduct a female under 16 years of age for the purpose of concubinage or prostitution and (2) placing or leaving one's wife in a bawdy place.

*Patron - Watts*

**HB1544 Possession or transportation of firearms following convictions for certain misdemeanor crimes; restoration of rights; penalty.** Prohibits a person who has been convicted of stalking, sexual battery, assault and battery of a family or household member, brandishing a firearm, or two or more convictions of assault and battery from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crimes may petition the circuit court for a reinstatement of his right to possess or transport a firearm.

*Patron - Murphy*

**HB1570 Grand larceny; threshold; penalties.** 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. The bill provides that any conviction for a misdemeanor larceny or property crimes offense when the value involved is \$200 or more but less than \$500 carries a 5-day mandatory minimum sentence. In addition, a second petit larceny within a period of 90 days arising out of a separate occurrence where the aggregated value of the goods is \$500 or more becomes grand larceny.

*Patron - Adams, L.R.*

**HB1580 Violation of protective order or stalking; third or subsequent offense; penalty.** Expands the offenses for which a conviction of a third or subsequent offense, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence and the instant and prior offenses arise out of separate incidents, is a Class 6 felony with a mandatory minimum term of confinement of six months from violating a protective order to any combination of violating a protective order or stalking.

*Patron - Cline*

**HB1592 Prohibited sale of products with Internet capabilities; obscene content blocking capability.** Prohibits the distribution or sale of any product that makes content accessible on the Internet unless such product possesses an operating digital content blocking capability that renders obscene content inaccessible. Alternatively, the bill provides that such person may distribute or sell such products without the digital content blocking capability if he pays a fee of \$20 for each product sold or distributed. The bill provides that the purchaser or recipient of such product may have the digital content blocking capability disabled upon making a written request, presenting proof of his majority, acknowledging the potential danger of disabling the capability, and paying a digital access fee of \$20. The bill requires the person who distributed or sold the product to remit such fees to the State Treasurer for deposit into the newly created Virginia Prevention of Human Trafficking Victim Fund, which will be administered by the Department of Criminal Justice Services and used for the purposes of supporting victim services and the prosecution of human trafficking cases. The bill also provides that any violation of the provisions of the bill is a prohibited practice under the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

*Patron - LaRock*

**HB1601 Domestic terrorism offenses.** Creates a new series of separate and distinct felonies and misdemeanors based on prohibited domestic terrorism activity and participation in such domestic terrorism activity. The bill provides a

definition for an "act of domestic terrorism" and a "domestic terrorism organization." The bill directs the Superintendent of the Department of State Police to promulgate regulations, to be updated annually, designating all organizations, groups, or associations meeting the definition of a domestic terrorist organization.

*Patron - Price*

**SB1 Mechanical devices designed to increase the rate of fire of firearms; penalty.** Prohibits the manufacture, import, sale or offer to sell, possession, transfer, or transportation of any device used to increase the rate of fire of any semi-automatic firearm beyond the capability of an unaided person to operate the trigger mechanism of that firearm. A violation is punishable as a Class 1 misdemeanor.

*Patron - Ebbin*

**SB2 Firearms; alcohol; penalties.** Provides that it is a Class 1 misdemeanor for a person 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 of such act is ineligible to apply for a concealed handgun permit for a period of five years. Current law provides that such prohibition applies only to persons permitted to carry a concealed handgun.

*Patron - Ebbin*

**SB5 Firearm transfers; criminal history record information checks; penalty.** Requires a background check for any firearm transfer 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 exempts transfers between immediate family members, transfers that occur by operation of law, transfers by the executor or administrator of an estate or by the trustee of a testamentary trust, and temporary transfers that (i) occur within the continuous presence of the owner of the firearm; (ii) are necessary to prevent imminent death or serious bodily injury; (iii) occur at a shooting range, shooting gallery, or other area designed for the purpose of target shooting, for use during target practice, a firearms safety or training course or class, a shooting competition, or any similar lawful activity; or (iv) are for the purpose of and while the transferee is engaged in hunting, trapping, or target shooting. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary.

*Patron - Ebbin*

**SB21 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. This bill was incorporated into SB 105.

*Patron - Surovell*

**SB33 Marijuana offenses; driver's license forfeiture.** Eliminates the requirement that the Virginia Department of Transportation receive written assurance from the Federal Highway Administration of the U.S. Department of Transportation that Virginia will not lose any federal funds as a prerequisite to implementing revisions enacted in 2017 that except persons who have been placed on deferred disposition for simple possession of marijuana, subject to certain exceptions, from 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. The bill contains an emergency clause.

*Patron - Stanley*

**SB40 Marijuana; reduced penalties for distribution or possession with intent to distribute.** Raises the threshold amount of marijuana subject to the offense of distribution or possession with intent to distribute from one-half ounce to one ounce. The bill also reduces the criminal penalties for distribution of or possession with intent to distribute certain greater weights of marijuana and creates a rebuttable presumption that



a person who possesses no more than one ounce of marijuana possesses it for personal use.

*Patron - Favola*

**SB45 Hate crimes; disability; civil action; penalty.** Adds disability to the bases of a victim's intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property that result in a higher criminal penalty for the offense. The bill also adds disability to the bases of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill also provides that a person who is subjected to acts of (i) intimidation or harassment, (ii) violence, or (iii) vandalism to his real or personal property, where such act is motivated by disability, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of disability.

*Patron - Favola*

**SB53 Criminal street gang predicate offenses; penalty.** Expands the definition of a predicate criminal act associated with gang activity to include a felony violation of (i) obtaining money by false pretense and (ii) identity theft.

*Patron - Spruill*

**SB66 Assault and battery against a family member; child witness as a sentencing consideration.** Provides that if a defendant is convicted of assault and battery against a family or household member and a minor who is a family or household member of the defendant was a witness to the offense, the court may consider such circumstance as an aggravating factor in determining sentencing.

*Patron - Favola*

**SB79 Firearms on school property.** Adds public, private, or religious preschools and child day centers that are not operated at the residence of the provider or of any of the children to the list of schools where possessing a firearm on school property or on a school bus is prohibited. Under current law, the list of such schools only includes public, private, or religious elementary, middle, or high schools.

*Patron - Lucas*

**SB86 Driving after forfeiture of license.** Provides that a person is 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 percent or more, only if such person was driving or operating the motor vehicle on a highway, as defined in Title 46.2, Motor Vehicles.

*Patron - Surovell*

**SB99 Release of hunting dogs on a highway.** Provides that any person who intentionally releases five or more hunting dogs on or within 15 feet of a highway is guilty of a Class 3 misdemeanor and a second or subsequent violation within three years of the first violation is a Class 1 misdemeanor.

*Patron - Marsden*

**SB102 Grand larceny; threshold.** Increases from \$200 to \$1,500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. This bill was incorporated into SB 105.

*Patron - McPike*

**SB111 Marijuana; decriminalization of simple marijuana possession.** Decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50 for a first violation, \$100 for a second violation, and \$250 for a third or sub-

sequent violation. Current law imposes 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 provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill provides that a court may suspend a driver's license for a civil violation committed by an adult. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit.

*Patron - Ebbin*

**SB112 Hate crimes; gender, sexual orientation, gender identity, or disability; penalty.** Adds disability, gender, gender identity, and sexual orientation to the categories of victims whose intentional selection for a hate crime involving assault, assault and battery, or trespass for the purpose of damaging another's property results in a higher criminal penalty for the offense. The bill also adds disability, gender, gender identity, and sexual orientation status to the categories of hate crimes that are to be reported to the central repository of information regarding hate crimes maintained by the Virginia State Police. The bill also provides that a person who is subjected to acts of vandalism to his real or personal property, where such vandalism is motivated by disability, gender, gender identity, and sexual orientation, may bring a civil action to recover his damages. The bill also provides that no provider or user of an interactive computer service on the Internet shall be liable for any action voluntarily taken by it in good faith to restrict access to material that the provider or user considers to be intended to incite hatred on the basis of disability, gender, gender identity, sexual orientation.

*Patron - Favola*

**SB113 Mechanical devices designed to increase the rate of fire of firearms; penalty.** Prohibits the manufacture, import, sale or offer to sell, possession, transfer, or transportation of any device used to increase the rate of fire of any semi-automatic firearm beyond the capability of an unaided person to operate the trigger mechanism of that firearm. A violation is punishable as a Class 1 misdemeanor.

*Patron - Favola*

**SB119 Reporting lost or stolen firearms; civil 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 24 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center (NCIC). A violation is punishable by a civil penalty of \$50 for a first offense and 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 is immune from criminal or civil liability for acts or omissions that result from the loss or theft; the immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

*Patron - Favola*

**SB133 Abortion; informed written consent.** Provides that a woman seeking an abortion may waive in writing any requirement establishing a mandatory time period or mandating that a physician provide to or review with the woman specific information or materials before an abortion may be performed. The bill requires that a copy of such waiver be maintained in the woman's medical records. The bill also provides that, regardless of any waiver, a physician is still obligated to satisfy the applicable standard of care.

*Patron - Locke*

**SB138 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 lar-

ceney 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 105.

*Patron - Petersen*

**[F]SB145 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, to personal friends, by inheritance, by operation of law, or for a temporary purpose.

*Patron - Edwards*

**[F]SB157 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. This bill was incorporated into SB 105.

*Patron - Edwards*

**[F]SB168 Electronic transmission of nude or partially nude images of minors by minors; penalty.** Provides that a minor who knowingly transmits, distributes, publishes, or disseminates any sexually explicit visual material to another minor without the intent to harass, intimidate, or extort money or other pecuniary gain, by any means whatsoever on any device or through any media or through the use of a computer system, is guilty of a Class 1 misdemeanor. The bill also provides that any minor who knowingly possesses at least one but not more than 10 images containing sexually explicit visual material and such images are obtained with the consent of the depicted minor is guilty of a Class 2 misdemeanor. The bill authorizes the court to defer and dismiss a first offense of either provision.

*Patron - Stanley*

**[F]SB209 Concealed handgun permits; sharing of information.** Prohibits sharing of information regarding Virginia concealed handgun permits in the Virginia Criminal Information Network with law enforcement in states that do not recognize a Virginia concealed handgun permit as valid in the state. The bill requires the Department of State Police to maintain and publish online a list of states that recognize a Virginia concealed handgun permit as valid in the state. The bill does not create a private cause of action.

*Patron - Stuart*

**[F]SB220 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 was incorporated into SB 105.

*Patron - Saslaw*

**[F]SB221 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. This bill was incorporated into SB 105.

*Patron - Saslaw*

**[F]SB276 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 until such warrant has been dissolved by a court or who are the subject of an order to retain firearms are guilty of a Class 1 misdemeanor for pur-

chasing, possessing, or transporting a firearm; are disqualified from having a concealed handgun permit; and may not be employed by a licensed firearms dealer. The bill also provides that a person who transfers a firearm to a person 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]SB288 Reporting lost or stolen firearms; civil 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 24 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center (NCIC). A violation is punishable by a civil penalty of \$50 for a first offense and 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 is immune from criminal or civil liability for acts or omissions that result from the loss or theft; the immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

*Patron - McClellan*

**[F]SB308 Driving under the influence.** Provides an exemption to the prohibition of driving or operating a motor vehicle while under the influence to any person driving or operating a motor vehicle on his own residential property or the curtilage thereof. Current law prohibits the driving or operating of a motor vehicle while under the influence, without such exemption.

*Patron - Stuart*

**[F]SB338 Firearms in courthouses.** Allows a person who may lawfully possess a firearm or ammunition for a firearm to carry a firearm or ammunition for a firearm into an area courthouse that is being used exclusively for purposes other than judicial proceedings outside of the courthouse's normal hours of operation.

*Patron - Peake*

**[F]SB372 Carrying dangerous weapon to place of religious worship.** Repeals the statutory prohibition on carrying a gun, pistol, bowie knife, dagger, or other dangerous weapon, without good and sufficient reason, to a place of worship while a meeting for religious purposes is being held at such place.

*Patron - Chafin*

**[F]SB385 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) persons who have been issued a certificate by the Department of State Police under certain circumstances and with an enhanced background check, (ii) law-enforcement agencies and officers, (iii) state and local correctional facilities, (iv) licensed private security companies, (v) persons who hold a valid Virginia concealed handgun permit, (vi) persons whose handgun has been stolen or irretrievably lost or who are trading in a handgun, (vii) purchases of handguns in a private sale, and (viii) purchases of antique firearms.

*Patron - Lucas*

**[F]SB398 Driving while intoxicated; fourth offense; penalty.** Provides that any person convicted of a fourth or subsequent offense of driving while intoxicated committed within a 10-year period shall be guilty of a Class 4 felony.

*Patron - McDougle*

**[F]SB402 Driving under the influence; secure transdermal alcohol monitoring.** Provides that the court may, upon request of an offender convicted for DUI who has not been previously prohibited from operating a vehicle that is not

equipped with a functioning ignition interlock system, order that the offender (i) wear a secure transdermal alcohol-monitoring device that continuously monitors the person's blood alcohol level and (ii) refrain from alcohol consumption. The bill provides that if an offender is ordered to wear such a device, the only conditions that will be imposed upon the offender's restricted driver's license, if one is issued, shall be the wearing of such a device and the existing requirement to have an ignition interlock system. The bill also provides that it is a Class 1 misdemeanor to tamper with or in any way attempt to circumvent the operation of a secure transdermal alcohol-monitoring device.

*Patron - McDougle*

**SB408 Hashish oil; definition.** Adds to the definition of hashish oil any waxy or solid extract containing one or more cannabinoids, excluding any such waxy or solid extract with a combined tetrahydrocannabinol and tetrahydrocannabinol acid content of less than 12 percent by weight.

*Patron - McDougle*

**SB412 Firearm transfers; criminal history record information checks; penalty.** Requires a background check for any firearm transfer and directs the Department of State Police (the Department) to establish a process for transferors to obtain such a check from licensed firearms dealers. A transferor who sells a firearm to another person without obtaining the required background check is guilty of a Class 6 felony. The bill exempts transfers (i) between immediate family members, (ii) that occur by operation of law, (iii) by the executor or administrator of an estate or by the trustee of a testamentary trust, and (iv) that are temporary and occur in the presence of the owner of the firearm or are necessary to prevent imminent death or serious bodily injury. The bill removes the provision that makes background checks of prospective purchasers or transferees at firearms shows voluntary. The bill also provides that the Department shall have three business days to complete a criminal history record information check before a firearm may be transferred.

*Patron - Lucas*

**SB433 Reporting lost or stolen firearms; civil 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 24 hours after such person discovers the loss or theft or is informed by a person with personal knowledge of the loss or theft. The bill requires the relevant law-enforcement agency to enter the report information into the National Crime Information Center (NCIC). A violation is punishable by a civil penalty of \$250 for a first offense and not less than \$250 or more than \$1,000 for any subsequent offense. The bill provides that a person who, in good faith, reports the loss or theft is immune from criminal or civil liability for acts or omissions that result from the loss or theft; the immunity does not apply to a person who knowingly gives a false report. The bill does not apply to the loss or theft of an antique firearm.

*Patron - Wexton*

**SB434 Restoration of firearms rights; convicted felons.** Requires the court to find by clear and convincing evidence that a person convicted of a violent felony, whose civil rights have been restored by the Governor or other appropriate authority, who has petitioned for a permit to possess or carry a firearm is not a risk to public safety and poses no present or future danger to himself or others prior to granting the petition and issuing the permit. Current law provides for a standard of good cause shown.

*Patron - Wexton*

**SB442 Allowing access to firearms by children; penalty.** Provides that any person who leaves a loaded, unsecured firearm in such a manner as to endanger the life or limb of any person under the age of 18 is guilty of a Class 6 felony. Current law provides that any person who recklessly leaves a loaded, unsecured firearm in such a manner as to endanger the

life or limb of any child under the age of 14 is guilty of a Class 3 misdemeanor.

*Patron - Howell*

**SB465 Malicious bodily injury to or pointing of laser at members of United States Armed Forces; penalty.** Adds members of the United States Armed Forces, and members of the Virginia National Guard, to the list of persons the malicious or unlawful wounding of whom, or the pointing of a laser at whom, is subject to an enhanced penalty. The provisions of the bill are contingent upon funding in a general appropriation act.

*Patron - Reeves*

**SB472 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 was incorporated into SB 105.

*Patron - Reeves*

**SB479 Use or display of firearm during commission of a felony; killing or injuring police animals; penalty.** Adds maliciously shooting, stabbing, wounding, or otherwise causing bodily injury to or administering poison to any animal used or trained by a law-enforcement agency, regional jail, or the Department of Corrections to the list of felonies for which a separate penalty is prescribed if a firearm is used during the commission of the offense.

*Patron - Reeves*

**SB493 Possession of concealed handguns; concealed handgun permit holders at public institutions of higher education.** Allows any person who possesses a valid Virginia concealed handgun permit or a concealed handgun permit from another state that is recognized by Virginia to carry a concealed handgun on the property of, in buildings owned by, or at events hosted at public institutions of higher education. The bill provides an exception that may prohibit firearms in facilities operated by the Department of Behavioral Health and Developmental Services or a campus police department of a public institution of higher education if such facilities are located on the property of or in buildings owned by a public institution of higher education.

*Patron - Carrico*

**SB533 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 and specifies that a computer hardware or software provider, an interactive computer service, or a telecommunications or cable operator does not have to provide notice of its activities to a computer user that a reasonable computer user should expect may occur.

*Patron - Mason*

**SB563 Unlawful creation of image of another; incapacitated adult; penalty.** Provides that knowingly and intentionally creating a videographic or still image of a nonconsenting person if such person is totally nude, clad in undergarments, or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast or if the recording device was positioned directly beneath or between such person's legs is punishable as a Class 6 felony if the nonconsenting person is an incapacitated adult. The bill provides that any person who, without authorization and with the intent to coerce, harass, or intimidate, maliciously disseminates or sells a videographic or still image of an incapacitated adult who is totally nude, or in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast, is guilty of a Class 6 felony.

*Patron - Obenshain*

**SB595 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.

*Patron - Vogel*

**SB607 Electronic transmission of sexually explicit images by minors; penalties.** Provides that a minor who (i) knowingly transmits, distributes, publishes, or disseminates to another minor an electronically transmitted communication containing a sexually explicit image of his own person or (ii) knowingly possesses at least one but not more than 10 electronically transmitted communications containing a sexually explicit image of another minor is guilty of a Class 2 misdemeanor.

*Patron - Surovell*

**SB610 Adultery; civil penalty.** Reduces the penalty for adultery from a Class 4 misdemeanor to a civil penalty of not more than \$250.

*Patron - Surovell*

**SB641 Purchase, possession, or transportation of firearms by persons voluntarily admitted to an inpatient mental health facility; penalty.** Prohibits a person voluntarily admitted to a state hospital or mental health facility for inpatient treatment from purchasing, possessing, or transporting a firearm while receiving inpatient treatment and for two weeks following the date on which he is discharged from inpatient treatment. The bill requires the state hospital or mental health facility to notify the person seeking admission of such prohibition, to receive written consent from the person seeking admission to have his firearm rights temporarily revoked, and to disclose information regarding his admission to treatment to the State Police for entry in the Central Criminal Records Exchange prior to admitting such person for treatment.

*Patron - Stuart*

**SB653 Dangerous weapons; place of religious worship.** Requires a person to have the express authorization of a place of religious worship to carry certain weapons to such place of worship while a meeting for religious purposes is being held. Current law requires such person to have a good and sufficient reason to do so.

*Patron - McPike*

**SB665 Prohibition on carrying of certain firearms in public places; County of Albemarle and City of Charlottesville; penalty.** Adds the County of Albemarle and the City of Charlottesville to the list of localities in which it is unlawful for a person to carry certain firearms in public places.

*Patron - Deeds*

**SB666 Impersonating certain public safety personnel; military members; penalty.** Adds members of the United States Armed Forces, Armed Forces Reserves, and National Guard to the list of public safety personnel for which it is a Class 1 misdemeanor to impersonate with the intent to make someone else believe he is such a public safety official. A second or subsequent offense is punishable as a Class 6 felony.

*Patron - Deeds*

**SB676 Mechanical devices designed to increase the rate of fire of firearms; penalty.** Prohibits the manufacture, import, sale or offer to sell, possession, transfer, or transportation of any device used to increase the rate of fire of any semi-automatic firearm beyond the capability of an unaided person

to operate the trigger mechanism of that firearm. A violation is punishable as a Class 1 misdemeanor.

*Patron - Deeds*

**SB709 Performance of abortions; informed written consent.** Eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a woman's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a woman's informed written consent be first obtained. The bill eliminates the requirement that two other physicians certify that a third trimester abortion is necessary to prevent the woman's death or impairment of her mental or physical health as well as the need to find that the woman's health would be substantially and irretrievably impaired. The bill removes language classifying facilities that perform five or more first-trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals.

*Patron - Wexton*

**SB715 Carrying a concealed handgun; firefighters and emergency medical services providers.** Provides that any firefighter or person employed as emergency medical services personnel may carry a concealed handgun while engaged in the performance of his official duties, provided that such firefighter or person employed as emergency medical services personnel has been approved to carry a concealed handgun by his fire chief or emergency medical services chief. The bill requires the Department of Criminal Justice Services, in consultation with the Office of Emergency Medical Services of the Department of Health and the Department of Fire Programs, to develop a model policy regarding carrying a concealed handgun for firefighters and emergency medical services personnel.

*Patron - Chase*

**SB729 Cruelty to animals; aggravated cruelty; penalty.** Provides that a person who commits an act of aggravated cruelty on a companion animal is guilty of a Class 6 felony. The bill defines "aggravated cruelty" and "torture." The bill increases from a Class 1 misdemeanor to a Class 6 felony the penalty for torturing, killing, or willfully inflicting inhumane injury or pain to a dog or cat. Current law requires that the dog or cat die as a direct result of the torture or cruelty before the violation is a Class 6 felony.

*Patron - DeSteph*

**SB732 Possession or transportation of firearms following convictions for certain misdemeanor crimes; restoration of rights; penalty.** Prohibits a person who has been convicted of stalking, sexual battery, assault and battery of a family or household member, brandishing a firearm, or two or more convictions of assault and battery from possessing or transporting a firearm. A person who violates this provision is guilty of a Class 1 misdemeanor. The bill provides for a process by which a person convicted of such crimes may petition the circuit court for a reinstatement of his right to possess or transport a firearm.

*Patron - Favola*

**SB742 Prohibition of sale, transfer, etc., of certain firearms magazines and firearms; penalties.** Prohibits any person from importing, selling, bartering, or transferring a firearms magazine designed to hold more than 10 rounds of ammunition. A violation is a Class 6 felony. 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 also increases from a Class 1 misdemeanor to a Class 6 felony the penalty for carrying a semi-automatic center-fire firearm and a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered in a public place. The bill redefines "assault firearm" by reducing from more than 20 to more than 10 the number of rounds of ammunition that a

firearms magazine will hold in order to be defined as an "assault firearm" and prohibits a dealer from selling, renting, trading, or transferring from his inventory such an assault firearm to any person. The bill also reduces from more than 20 to more than 10 the number of rounds of ammunition that a firearms magazine will hold in order to be defined as an "assault firearm" for purposes of possession or transportation by a person younger than 18 years of age and increases the penalty from a Class 1 misdemeanor to a Class 6 felony for a person younger than 18 years of age to possess or transport a handgun, an assault firearm, or a shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered, with some exceptions.

*Patron - Spruill*

**SB794 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 that will hold 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 is loaded and will hold more than 20 rounds of ammunition. The bill redefines "assault firearm" by reducing the threshold number of rounds of ammunition that the magazine will hold from more than 20 to more than 10 and prohibits dealers from transferring an assault firearm to any person. The bill reduces from more than 20 to more than 10 the number of rounds of ammunition in an assault firearm at which it is unlawful for a person younger than 18 years of age to possess such assault firearm.

*Patron - Marsden*

**SB797 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 subjecting another person to an act of violence, force, or threat to possess a firearm while the order is in effect, which is equivalent to the existing penalty for possession of a firearm by a person subject to a permanent protective order for family abuse. 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.

*Patron - Howell*

**SB811 Protective orders; possession of firearms; surrender or transfer of firearms.** Provides that a court shall order a person subject to a protective order to (i) surrender any firearm possessed by such person to the local law-enforcement agency of the county or city where such person resides or to sell or transfer any firearms possessed by such person to a firearms dealer within 24 hours after being served with a protective order or (ii) certify in writing that such person does not possess any firearms and file such certification with the clerk of the court that entered the protective order within three days after being served with a protective order. The bill also provides that within 48 hours after surrendering or selling or transferring all firearms, such person shall certify in writing that all firearms possessed by such person have either been surrendered or sold or transferred and file such certification with the clerk of the court that entered the protective order.

*Patron - Marsden*

**SB828 Damage or trespass to critical infrastructure or utilities; penalty.** Provides that any person who intentionally destroys or damages any alumina refinery, a chemical, polymer, or rubber manufacturing facility, a transmission facility used by a federally licensed radio or television station, a steelmaking facility that uses an electric arc furnace to make steel, a facility identified and regulated by the U.S. Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program, a dam that is regulated by the Commonwealth or federal government, a port, a railroad switching yard, railroad tracks, a trucking terminal, or other freight trans-

portation facility, or a facility that is used to furnish cellular telephone or other wireless telecommunications service, is guilty of a Class 4 felony, provided that in the event the destruction or damage may be remedied or repaired for \$200 or less such act shall constitute a Class 3 misdemeanor.

*Patron - Reeves*

**SB910 Right to abortion; provision of abortion.** Provides that a pregnant person has a fundamental right to obtain a lawful abortion and that no statute or regulation shall be construed to prohibit the performance of an abortion prior to viability or if necessary to protect the life or health of the pregnant person. The bill also provides that any statute that places a burden on a pregnant person's access to abortion without conferring any legitimate health benefit is unenforceable. The bill expands who can perform first trimester abortions to include, in addition to physicians, physician's assistants and midwives licensed by the Board of Medicine, nurse practitioners or certified nurse midwives jointly licensed by the Board of Medicine and the Board of Nursing, and persons acting pursuant to orders and under the appropriate supervision of a physician. The bill also expands who can perform second trimester abortions to include persons acting pursuant to orders and under the appropriate supervision of a physician. The bill eliminates the requirement that second trimester abortions be performed in a licensed hospital. The bill eliminates the requirement that two other physicians certify that a third trimester abortion is necessary to prevent the pregnant person's death or impairment of her mental or physical health as well as the need to find that the pregnant person's health would be substantially and irretrievably impaired. The bill permits a third trimester abortion if the pregnancy is not viable. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a pregnant person's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a pregnant person's informed written consent first be obtained. The bill removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals. The bill also removes the prohibition on the sale of health insurance policies that provide coverage for abortions through an exchange established or operating in the Commonwealth pursuant to the federal Patient Protection and Affordable Care Act. The bill eliminates the crime, punishable as a Class 4 felony, of administering a drug or other thing to a pregnant person or using other means with the intent to destroy such person's unborn child or to produce an abortion or miscarriage.

*Patron - McClellan*

**SB954 Possession of marijuana; first offense; expungement; penalty.** Reduces the penalties for possession of marijuana to a fine of not more than \$500 and makes a first offense violation that has been deferred and dismissed under § 18.2-251 eligible for expungement. Under current law, possession of marijuana is punishable by confinement in jail for not more than 30 days and a fine of not more than \$500, either or both. The bill provides that any person seeking expungement of such first offense violation shall be assessed a \$300 fee, of which \$150 shall be paid into the Heroin and Prescription Opioid Epidemic Fund, created by the bill, and \$150 shall be paid into the state treasury and credited to the Department of State Police. The bill has a delayed effective date of January 1, 2019, except for the provisions related to the reduction of penalties for possession of marijuana, which shall become effective July 1, 2018. The provisions of the bill are contingent upon funding in a general appropriation act. The bill contains technical amendments.

*Patron - Norment*

**SB987 Paramilitary activities; penalty.** Provides that a person is guilty of unlawful paramilitary activity if such person assembles with another person with the intent of intimidating any person or group of persons by drilling, parading, or marching with any firearm or explosive or incendiary device or

any components or combination thereof. Such unlawful paramilitary activity is punishable as a Class 5 felony.

*Patron - Lucas*

**[F]SB992 Charitable Gaming Board; Texas Hold'em poker events.** Allows a qualified organization to conduct Texas Hold'em poker events in conjunction with its charitable gaming activities. The conditions under which a qualified organization may manage, operate or contract with operators of, or conduct Texas Hold'em poker games and tournaments shall be prescribed by the Charitable Gaming Board. The bill provides that the initial regulations adopted by the Charitable Gaming Board pertaining to the conduct of Texas Hold'em events shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.).

*Patron - Lucas*

## Carried Over

**[C]HB525 Carnal knowledge of pretrial or posttrial offender; bail bondsmen; penalty.** Increases to a Class 6 felony from a Class 1 misdemeanor the penalty for an owner or employee of a bail bond company that posted bond for a person to carnally know such person if the owner or employee has the authority to revoke the person's bond.

*Patron - Brewer*

**[C]HB622 Sex offenses prohibiting entry onto school property; penalty.** Provides that an adult who has been convicted of any felony offense for which registration on the Sex Offender and Crimes Against Minors Registry is required where the victim of the offense was a minor is guilty of a Class 6 felony if he enters or is present (i) upon any property he knows or has reason to know is a public or private elementary or secondary school or child day center property during school hours and during school-related or school-sponsored activities; (ii) upon any property during hours when such property is being used by such a school for school-related or school-sponsored activities; or (iii) on any school bus. Under current law, only an adult who has been convicted of a sexually violent offense is guilty of a Class 6 felony for entering or being present upon such property.

*Patron - Bell, Robert B.*

**[C]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*

**[C]SB215 Renewal of concealed handgun permits; notice.** Requires the clerk of the court that issued a concealed handgun permit to notify the permit holder, at least 90 days prior to the expiration date, of the expiration date of the permit. Such notification shall be provided by first-class mail unless the clerk provides an electronic notification to the permit holder. Current law provides that if the clerk has an electronic system for the application and issuance of concealed handgun permits and such system has the capability of sending electronic notices to a permit holder, then such expiration notices shall be sent electronically.

*Patron - Cosgrove*

**[C]SB350 Concealed handgun permit; expiration date.** Extends from five to 15 years the validity of a concealed handgun permit.

*Patron - Peake*

**[C]SB351 Firearms in locked vehicles; immunity from liability.** Provides that no person, property owner, tenant, employer, or business owner may (i) prohibit a person who lawfully possesses a firearm from storing that firearm or ammunition for a firearm in a locked motor vehicle, (ii) take

any adverse employment action against an employee or contractor for lawfully storing a firearm or ammunition for a firearm in a locked motor vehicle, or (iii) search an employee's or contractor's motor vehicle or require that an employee or contractor consent to such a search as a condition of employment. The bill allows a person to petition a circuit court for an injunction to enforce his right to lawfully store a firearm or ammunition for a firearm in a locked motor vehicle. The bill provides immunity for any person, property owner, tenant, employer, or business owner in a civil action for any occurrence resulting from the use of a lawfully stored firearm or ammunition for a firearm. The provisions of the bill do not apply to (a) property owned or controlled by the federal government, (b) vehicles on property controlled by an employer required to develop and implement a security plan under federal law or regulation, (c) property on which a person is prohibited by law from possessing a firearm, (d) vehicles owned or leased by an employer or business entity and used by an employee or contractor in the course of his employment, or (e) personal vehicles while such vehicles are being used for the transport of consumers of programs licensed by the Department of Behavioral Health and Developmental Services.

*Patron - Peake*

**[C]SB497 Disorderly conduct in public places; right to detain.** Provides that the person in charge of any public building, place, conveyance, meeting, operation, or activity may detain any person who engages in disorderly conduct for a period not to exceed one hour pending arrival of a law-enforcement officer.

*Patron - Carrico*

**[C]SB541 Involuntary manslaughter; death of a fetus; penalty.** Provides that any person who, as a result of driving under the influence, causes the death of the fetus of another is guilty of involuntary manslaughter. The bill provides that if such person's conduct was so gross, wanton, and culpable as to show a reckless disregard for human life, he is guilty of aggravated involuntary manslaughter.

*Patron - Obenshain*

**[C]SB737 Driving under the influence; first offenders; license conditions; penalty.** Provides that in the case of an adult offender's first conviction of driving under the influence when the offender's blood alcohol content was less than 0.15, the sole restriction of the offender's restricted driver's license shall be the prohibition of the offender from operating any motor vehicle not equipped with a functioning, certified ignition interlock system for one year without any violation of the ignition interlock system requirements.

*Patron - Surovell*

**[C]SB952 Protective orders; issuance upon convictions for certain felonies; penalty.** Authorizes a court to issue a protective order upon convicting a defendant for a felony offense of (i) violating a protective order, (ii) homicide set forth in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2, (iii) kidnapping set forth in Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2, (iv) assaults and bodily woundings set forth in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, (v) extortion set forth in Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2, or (vi) criminal sexual assault set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2. The bill provides that the duration of such protective order can be for any period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim and may only prohibit (a) acts of family abuse or of violence, force, or threat against the victim or criminal offenses that may result in injury to the person or property of the victim and (b) such contacts by the defendant with the victim as the court deems necessary for the health or safety of the victim. The bill provides that a violation of a protective order issued upon conviction of one of the enumerated offenses is punishable as contempt of court or in the same manner as criminal violations of other protective orders are punished.

*Patron - Stuart*

# Criminal Procedure

## Passed

**HB52 Competency and sanity evaluations; location of evaluation.** Requires that evaluations to determine whether a person is competent to stand trial or to determine a person's sanity at the time of the commission of a criminal offense be conducted on an outpatient basis at a mental health facility or in jail unless an outpatient evaluation has been conducted and the outpatient evaluator opines that a hospital-based evaluation is needed to reliably reach an opinion or unless the defendant is in the custody of the Commissioner of Behavioral Health and Developmental Services. Currently, such evaluations are to be conducted on an outpatient basis, but a court may order that a person be hospitalized instead if the court finds the services necessary to conduct an outpatient evaluation are not available or if the results of the outpatient evaluation indicate that it is necessary to hospitalize the person for further evaluation.

*Patron - Hope*

**HB53 Persons acquitted by reason of insanity; evaluation.** Provides that a court may authorize a person acquitted of a crime by reason of insanity to be evaluated for commitment or release with or without conditions on an outpatient basis. The bill provides that if a court authorizes an outpatient evaluation, the Commissioner of Behavioral Health and Developmental Services shall determine whether to conduct the evaluation on an outpatient basis or to confine the person to a hospital for the purpose of such evaluation. The bill also provides that the evaluation shall be conducted in a hospital if the court does not authorize an outpatient evaluation. Under current law, the person acquitted must be confined to a hospital for the purpose of such evaluation.

*Patron - Hope*

**HB135 Dissemination of juvenile record information; emergency medical services agency applicants.** Provides that juvenile record information maintained in the Central Criminal Records Exchange may be disseminated (i) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency and (ii) to the chief law-enforcement officer of a locality, or his designee who shall be an individual employed as a public safety official of the locality, that has adopted an ordinance to conduct investigations of employment applicants for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency. This bill is identical to SB 109.

*Patron - Bell, John J.*

**HB145 Search warrant for a tracking device; delivery of affidavit.** Provides that an affidavit for a search warrant authorizing use of a tracking device may be delivered by a judicial officer's designee or agent. Current law requires the affidavit to be delivered by the judicial officer. As introduced, this bill was a recommendation of the Judicial Council of Virginia. This bill is identical to SB 475.

*Patron - Carroll Foy*

**HB151 Special conservators of the peace; authority; insurance.** Replaces the powers that may be provided in the power of appointment for a special conservator of the peace (SCOP), which currently may include all powers, functions, duties, responsibilities, and authority of any other conservator of the peace, with only the duties for which the SCOP is qualified by training established by the Department of Criminal Justice Services. The bill requires the order of appointment to provide that such duties shall be exercised only in the geographical limitations specified by the court. The bill requires that the order delineate a limit beyond which the SCOP may not effectuate an arrest following a close pursuit. The bill pro-

hibits all SCOPs from using the word "police" and all SCOPs other than those employed by a state agency from using the seal of the Commonwealth on their equipment in the performance of their duties. The bill provides for certain exceptions from its provisions for SCOPs employed by the Shenandoah Valley Regional Airport Commission and the Richmond Metropolitan Transportation Authority, provided that such SCOPs meet all the requirements for law-enforcement officers, including the minimum compulsory training requirements.

*Patron - Fowler*

**HB188 Sentence reduction; substantial assistance to prosecution.** Allows a convicted person's sentence to be reduced if such person provides substantial assistance, defined in the bill, in the furtherance of the investigation or prosecution of another person engaged in an act of violence or for offenses involving the manufacture or distribution of controlled substances or marijuana. Sentence reduction can occur only upon motion of the attorney for the Commonwealth. This bill incorporates HB 203 and is identical to SB 35.

*Patron - Collins*

**HB202 Court fines and costs; community service.** Requires a court assessing fines and costs against a person for conviction of a crime to inform such person of the availability of earning credit toward discharge of the fine or costs through the performance of community service and provide such person with written notice of terms and conditions of the community service program.

*Patron - Mullin*

**HB303 Physical evidence recovery kits; submission to Department of Forensic Science.** Adds as an exception to the requirement that a law-enforcement agency that receives a physical evidence recovery kit submit such kit to the Department for Forensic Science for analysis within 60 days of receipt the circumstance of another law-enforcement agency having taken over responsibility for the investigation related to such kit.

*Patron - Watts*

**HB364 Execution of temporary detention orders; inmates in local correctional facilities.** Authorizes deputy sheriffs and jail officers employed by a local correctional facility to execute temporary detention orders issued for inmates of the facility.

*Patron - Rush*

**HB483 Restitution; collection; Criminal Injuries Compensation Fund.** Adds to the duties of the Workers' Compensation Commission (the Commission) in its role as administrator of the Criminal Injuries Compensation Fund (Fund) the obligation to (i) identify and locate victims for whom restitution owed to such victims has been deposited into the Fund and (ii) collect and disburse such unclaimed restitution to such victims. The bill directs the Commission to include in its annual report information on all unclaimed restitution that it disburses. The bill provides that clerks shall deposit into the Fund by November 1 of each year restitution collected for victims who can no longer be identified or located, or state that there is no such restitution to be deposited. The bill requires that clerks record the receipt of restitution payments in the automated information system operated by the Supreme Court of Virginia or a system established and maintained by a circuit court. The bill also provides that the restitution form used by the court shall include the victim's contact information, including address, telephone number, and email address. This bill is identical to SB 562.

*Patron - Bell, Robert B.*

**HB484 Restitution; probation.** Establishes procedures to be used by courts to monitor the payment of restitution by defendants. The bill requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied resti-



tution (i) 60 days prior to the defendant's release from supervision or (ii) if the agency requests that the defendant be released from supervision, at the time the agency submits its request for the defendant's release. The bill requires that the court conduct a hearing prior to the defendant's release from supervision to review the defendant's compliance with the restitution order. The bill also requires that in the case of a defendant who was not placed on supervised probation, the court must schedule a hearing within two years of the date of the restitution order or release from incarceration to review the defendant's compliance with the restitution order. The bill requires that the court continue to conduct hearings to monitor a defendant's compliance with the restitution order for a period of 10 years from the date of the first review hearing or the period of probation, whichever is longer. The bill provides that a court may discontinue hearings to review a defendant's compliance with the restitution order if the court determines that the defendant is unable to pay and will remain unable to pay restitution for the duration of the review period. The bill also sets forth the remedies available to the court, including contempt, in the case of a defendant who fails to comply with a restitution order. This bill is identical to SB 994.

*Patron - Bell, Robert B.*

**HB840 Confidentiality of victim telephone numbers and email addresses in criminal cases.** Provides that upon request of a crime victim or a witness in a criminal prosecution of a violent felony, law enforcement, the attorney for the Commonwealth, counsel for a defendant, and the Department of Corrections are prohibited from disclosing any telephone number or email address of such victim or witness except to the extent that such disclosure is required by law, necessary for law-enforcement purposes, or permitted by the court. The bill also provides that during any criminal proceeding, upon motion of the defendant or the attorney for the Commonwealth, a judge may prohibit testimony as to any telephone number or email address of a victim or witness if the judge determines that this information is not material under the circumstances of the case. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to SB 457.

*Patron - Bell, Robert B.*

**HB988 Criminal history record information; discovery.** Provides that laws precluding dissemination of a person's criminal history record information do not preclude dissemination made pursuant to the rules of court for obtaining discovery or for review by the court.

*Patron - Gilbert*

**HB996 Department of Criminal Justice Services to review pretrial services agencies; report.** Requires the Department of Criminal Justice Services (Department) to annually review each pretrial services agency to determine compliance with its biennial plan and operating standards. Current law requires the Department to review each pretrial services agency periodically. The bill also requires the Department to report annually to the Governor and the General Assembly on the performance of each pretrial services agency. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to SB 783.

*Patron - Gilbert*

**HB1055 Sentencing guidelines; written explanation.** Provides that the report of a judge's judicial performance evaluation, which is transmitted to the General Assembly, shall include the number of cases in which such judge did not file a written explanation of any departure from the sentencing guidelines as required by law.

*Patron - Herring*

**HB1164 Return of search warrants to jurisdiction where executed.** Provides that return made on search warrants for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service shall be made in the circuit court clerk's

office for the jurisdiction where the warrant was executed, if executed within the Commonwealth, or issued, if executed outside the Commonwealth. Currently, the return on such warrants is made in the circuit court clerk's office for the jurisdiction where the warrant was executed. The bill also provides that a copy of the return shall be delivered to the clerk of the circuit court where the warrant was issued if the warrant was executed within the Commonwealth.

*Patron - Ingram*

**HB1193 Persons acquitted by reason of insanity; commitment; sentencing.** Provides that a person who is acquitted by reason of insanity of an offense and convicted of another offense must serve his sentence for the conviction prior to being committed for inpatient hospitalization or, if the person has already been committed at the time of the conviction, be transferred to the custody of the correctional facility where he is to serve his sentence and returned to commitment upon completion of his sentence.

*Patron - Bell, Robert B.*

**HB1238 Timeliness of indictments, etc.; discharge from jail.** Clarifies that only a person in jail on a criminal charge that has been certified or otherwise transferred from a district court to a circuit court is to be discharged from jail if an indictment, presentment, or information is not found or filed against him before the end of the second term of court at which he is held to answer. Discharge of a person from jail under this provision does not preclude his reincarceration on a subsequent indictment or presentment for the same offense.

*Patron - Cline*

**HB1249 DNA analysis upon conviction of certain misdemeanors.** Adds misdemeanor violations of §§ 18.2-57 (assault and battery) and 18.2-119 (trespass) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis. As introduced, this bill was a recommendation of the Virginia Crime Commission. This bill is identical to SB 565.

*Patron - Toscano*

**HB1260 Admission to bail; human trafficking.** Adds the charges of (i) taking or detaining a person for the purposes of prostitution or unlawful sexual intercourse, (ii) receiving money from procuring or placing a person in a house of prostitution or forced labor, (iii) receiving money from the earnings of a prostitute, and (iv) commercial sex trafficking to the list of crimes for which there is a rebuttable presumption against admission to bail.

*Patron - Mullin*

**HB1266 Report of arrests; fingerprints; trespass; disorderly conduct.** Requires that a law-enforcement agency make a report of any arrest of a person for trespassing (§ 18.2-119) or disorderly conduct (§ 18.2-415) to the Central Criminal Records Exchange and that such report be accompanied by the fingerprints and photograph of the person arrested. Under current law, such a report is required for all other misdemeanors punishable by confinement in jail under Title 18.2 (Crimes and Offenses Generally). This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to SB 566.

*Patron - Toscano*

**HB1482 Use of unmanned aircraft system; public bodies.** Allows an unmanned aircraft system to be deployed without a warrant (i) by a law-enforcement officer to survey the scene of an accident for the purpose of crash reconstruction and record photographic or video images of the scene and (ii) by the Department of Transportation when assisting a law-enforcement officer to prepare a report of such accident because of personal injury, death, or property damage of \$1,500 or more. This bill is identical to SB 508.

*Patron - Thomas*

**SB35 Sentence reduction; substantial assistance to prosecution.** Allows a convicted person's sentence to be

reduced if such person provides substantial assistance, defined in the bill, in the furtherance of the investigation or prosecution of another person engaged in an act of violence or for offenses involving the manufacture or distribution of controlled substances or marijuana. Sentence reduction can occur only upon motion of the attorney for the Commonwealth. This bill is identical to HB 188.

*Patron - Stanley*

**SB109 Dissemination of juvenile record information; emergency medical services agency applicants.** Provides that juvenile record information maintained in the Central Criminal Records Exchange may be disseminated (i) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency and (ii) to the chief law-enforcement officer of a locality, or his designee who shall be an individual employed as a public safety official of the locality, that has adopted an ordinance to conduct investigations of employment applicants for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency. This bill incorporates SB 118 and SB 122 and is identical to HB 135.

*Patron - Black*

**SB186 Unmanned aircraft by a locality; search warrant; exception.** Authorizes a state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations to utilize an unmanned aircraft system without a search warrant when such system is utilized to support any locality for a purpose other than law enforcement.

*Patron - Black*

**SB457 Confidentiality of victim telephone numbers and email addresses in criminal cases.** Provides that upon request of a crime victim or a witness in a criminal prosecution of a violent felony, law enforcement, the attorney for the Commonwealth, counsel for a defendant, and Department of Corrections are prohibited from disclosing any telephone number or email address of such victim or witness except to the extent that such disclosure is required by law, necessary for law-enforcement purposes, or permitted by the court. The bill also provides that during any criminal proceeding, upon motion of the defendant or the attorney for the Commonwealth, a judge may prohibit testimony as to any telephone number or email address of a victim or witness if the judge determines that this information is not material under the circumstances of the case. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 840.

*Patron - Howell*

**SB475 Search warrant for a tracking device; delivery of affidavit.** Provides that an affidavit for a search warrant authorizing use of a tracking device may be delivered by a judicial officer's designee or agent. Current law requires the affidavit to be delivered by the judicial officer. As introduced, this bill was a recommendation of the Judicial Council of Virginia. This bill is identical to HB 145.

*Patron - Reeves*

**SB508 Use of unmanned aircraft system; public bodies.** Allows an unmanned aircraft system to be deployed without a warrant (i) by a law-enforcement officer to survey the scene of an accident for the purpose of crash reconstruction and record photographic or video images of the scene and (ii) by the Department of Transportation when assisting a law-enforcement officer to prepare a report of such accident because of personal injury, death, or property damage of \$1,500 or more. This bill is identical to HB 1482.

*Patron - Carrico*

**SB562 Restitution; collection; Criminal Injuries Compensation Fund.** Adds to the duties of the Workers' Compensation Commission (the Commission) in its role as administrator of the Criminal Injuries Compensation Fund (Fund) the

obligation to (i) identify and locate victims for whom restitution owed to such victims has been deposited into the Fund and (ii) collect and disburse such unclaimed restitution to such victims. The bill directs the Commission to include in its annual report information on all unclaimed restitution that it disburses. The bill provides that clerks shall deposit into the Fund by November 1 of each year restitution collected for victims who can no longer be identified or located, or state that there is no such restitution to be deposited. The bill requires that clerks record the receipt of restitution payments in the automated information system operated by the Supreme Court of Virginia or a system established and maintained by a circuit court. The bill also provides that the restitution form used by the court shall include the victim's contact information, including address, telephone number, and email address. This bill is identical to HB 483.

*Patron - Obenshain*

**SB565 DNA analysis upon conviction of certain misdemeanors.** Adds misdemeanor violations of §§ 18.2-57 (assault and battery) and 18.2-119 (trespass) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis. As introduced, this bill was a recommendation of the Virginia State Crime Commission. This bill is identical to HB 1249.

*Patron - Obenshain*

**SB566 Report of arrests; fingerprints; trespass; disorderly conduct.** Requires that a law-enforcement agency make a report of any arrest of a person for trespassing (§ 18.2-119) or disorderly conduct (§ 18.2-415) to the Central Criminal Records Exchange and that such report be accompanied by the fingerprints and photograph of the person arrested. Under current law, such a report is required for all other misdemeanors punishable by confinement in jail under Title 18.2 (Crimes and Offenses Generally). This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 1266.

*Patron - Obenshain*

**SB783 Department of Criminal Justice Services to review pretrial services agencies; report.** Requires the Department of Criminal Justice Services (Department) to annually review each pretrial services agency to determine compliance with its biennial plan and operating standards. Current law requires the Department to review each pretrial services agency periodically. The bill also requires the Department to report annually to the Governor and the General Assembly on the performance of each pretrial services agency. This bill is a recommendation of the Virginia State Crime Commission. This bill is identical to HB 996.

*Patron - Peake*

**SB813 Sharing of forfeited assets; report.** Provides that a state or local agency that receives a forfeited asset or an equitable share of the net proceeds of a forfeited asset from the Department of Criminal Justice Services (Department) or from a federal asset forfeiture proceeding shall inform the Department of (i) the offense on which the forfeiture is based, (ii) any criminal charge brought against the owner of the forfeited asset, and (iii) if a criminal charge was brought, the status of the criminal charge. The bill also provides that the Department shall include such information in the annual report that it provides to the Governor and the General Assembly concerning the sharing of forfeited assets.

*Patron - Peake*

**SB833 Installation of a pen register or trap and trace device; emergency circumstances.** Provides that when disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain a pen register or trap and trace device installation without a court order in certain emergency circumstances. The bill provides that when a pen register or trap and trace device is installed without a court order under such circumstances, the

investigative or law-enforcement officer shall file with the appropriate court, within three days of seeking such installation, a written statement setting forth the facts giving rise to the emergency and the reasons why the installation of the pen register or trap and trace device was believed to be important in addressing the emergency. The bill also provides that real-time location data may be obtained without a warrant from a provider of electronic communication service or remote computing service in order to locate a child who is reasonably believed to have been abducted or to be missing and endangered.

*Patron - Carrico*

**[SB846 Restitution; penalties other than fines; limitations on actions.]** Provides that the enforcement of an order of restitution docketed as a civil judgment is not subject to any statute of limitations. The bill also provides that the recovery of penalties or costs due the Commonwealth or any political subdivision thereof may be enforced within 60 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 30 years if imposed by a general district court. Current law provides that such recovery of penalties or costs due shall occur within 20 years from the date of the offense or delinquency giving rise to imposition of such penalty if imposed by a circuit court or within 10 years if imposed by a general district court.

*Patron - Norment*

**[SB994 Restitution; probation.]** Establishes procedures to be used by courts to monitor the payment of restitution by defendants. The bill requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution (i) 60 days prior to the defendant's release from supervision or (ii) if the agency requests that the defendant be released from supervision, at the time the agency submits its request for the defendant's release. The bill requires that the court conduct a hearing prior to the defendant's release from supervision to review the defendant's compliance with the restitution order. The bill also requires that in the case of a defendant who was not placed on supervised probation, the court must schedule a hearing within two years of the date of the restitution order or release from incarceration to review the defendant's compliance with the restitution order. The bill requires that the court continue to conduct hearings to monitor a defendant's compliance with the restitution order for a period of 10 years from the date of the first review hearing or the period of probation, whichever is longer. The bill provides that a court may discontinue hearings to review a defendant's compliance with the restitution order if the court determines that the defendant is unable to pay and will remain unable to pay restitution for the duration of the review period. The bill also sets forth the remedies available to the court, including contempt, in the case of a defendant who fails to comply with a restitution order. This bill is identical to HB 484.

*Patron - Obenshain*

## Failed

**[HB88 Marijuana field test; evidence at trial.]** Provides that a law-enforcement officer is permitted to testify as to the results of any field test approved by the Department of Forensic Science regarding whether or not any plant material is marijuana in any trial for a misdemeanor offense of possession of marijuana with intent to distribute. Under current law, such testimony is allowed only in any trial for simple possession of marijuana.

*Patron - Hope*

**[HB104 Petition for writ of actual innocence.]** Provides that a person may petition for a writ of actual innocence based on biological evidence regardless of the type of plea he entered at trial. Under current law, a person may petition for a writ based on biological evidence if he (i) entered a plea of not guilty, (ii) is convicted of murder, or (iii) is convicted of a fel-

ony for which the maximum punishment is imprisonment for life. The bill also clarifies that the Attorney General may join a petition for a writ of actual innocence filed in connection with an adjudication of delinquency.

*Patron - Herring*

**[HB112 Falsely signing a summons.]** Provides that a person who signs a summons with a false name is guilty of giving a false identity to a law-enforcement officer, a Class 1 misdemeanor. Currently, such conduct is punished as forging a public record, a Class 4 felony.

*Patron - Carroll Foy*

**[HB141 Expungement of police and court records; absolute pardon.]** Provides for the automatic expungement of the police and court records relating to a person's conviction if he has been granted an absolute pardon for a crime he did not commit. Under current law, the person granted the absolute pardon must petition the court for an order of expungement. The bill requires that the Secretary of the Commonwealth forward a copy of any absolute pardon to the circuit court where the person was convicted of the crime for which the pardon was granted.

*Patron - Cole*

**[HB142 Expungement of police and court records; pardons.]** Provides that any person granted an absolute pardon is, upon petition, entitled to the expungement of the police and court records relating to the conviction. Currently, only a person granted an absolute pardon for a crime he did not commit is so entitled.

*Patron - Cole*

**[HB143 Expungement of police and court records.]** Allows a person convicted of certain offenses, or charged with such offenses which charges were deferred and dismissed, who was under 21 years of age at the time of the offense and who has successfully completed all terms of probation, to file a petition for expungement after at least seven years have passed since the date of conviction. 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. Convictions for violent felony offenses and offenses for which registration with the Sex Offender and Crimes Against Minors Registry is required are not eligible for expungement.

*Patron - Cole*

**[HB156 Convicts as witnesses; limitation on impeachment evidence.]** Limits the introduction as impeachment evidence the fact that a witness has been convicted of a crime if more than 10 years have passed from the date of the conviction or the person's release from incarceration, whichever is later, unless (i) the probative value of the evidence of such conviction substantially outweighs its prejudicial effect and (ii) the party seeking to introduce the fact of the conviction into evidence provides reasonable written notice of the intent to introduce evidence of such conviction.

*Patron - McQuinn*

**[HB203 Sentence reduction; substantial assistance to prosecution.]** Allows a convicted person's sentence to be reduced if such person provides substantial assistance, defined in the bill, in the furtherance of the investigation or prosecution of another person engaged in an act of violence or for offenses involving the manufacture or distribution of controlled substances or marijuana. Sentence reduction can occur only upon motion of the attorney for the Commonwealth. This bill was incorporated into HB 188.

*Patron - Mullin*

**[HB293 Statement of expenses incident to prosecution.]** Clarifies that no expense on the statement of expenses incident to prosecution prepared by the clerk of court after a

criminal trial shall exceed any applicable statutory limit set for such expense.

*Patron - Collins*

**HB294 DNA sample taken upon conviction; fee.** Removes the limitation that the fee for withdrawing a sample of a person's blood, saliva, or tissue for DNA analysis upon conviction for a felony or certain misdemeanors be taxed only one time regardless of the number of samples taken.

*Patron - Collins*

**HB417 Modification of sentencing guidelines; new sentencing proceeding.** Creates a mechanism for a person incarcerated for a felony offense to petition for a new sentencing hearing if the sentencing guidelines for the offense have been modified subsequent to the date of the person's conviction and the sentence indicated by the current guidelines is less than the sentence indicated by the guidelines in effect at the time of the conviction. The bill provides that the petition is to be filed with the circuit court that entered the judgment order of conviction, which shall conduct a new sentencing proceeding. Any sentence imposed as a result of this proceeding may not exceed the sentence originally imposed.

*Patron - Guzman*

**HB440 Indigent defendants; public defender office; appointment of counsel.** Provides that in localities having a public defender office, the public defender office or the Indigent Defense Commission must represent to the court that the public defender lacks an appropriate level of training and experience before a court can appoint another attorney to represent an indigent defendant. Under current law, the court can make such an appointment on the basis of its own finding that the appointment is necessary to attain the ends of justice.

*Patron - Hope*

**HB441 Expungement of police and court records; acquittals.** Provides that a court that enters a judgment acquitting a person of a criminal charge shall, upon the motion of the person acquitted of such charge, enter an order requiring the expungement of the police and court records relating to the charge. Currently, such a person may file a separate petition for the expungement of such records; however, except in certain cases involving misdemeanor charges, the person is not entitled to an order of expungement, and the court hearing the petition must find that the continued existence and possible dissemination of such records causes or may cause circumstances that constitute a manifest injustice to such person before such an order will be entered.

*Patron - Carroll Foy*

**HB480 Restitution; enforcement.** Provides that the enforcement of an order of restitution docketed as a civil judgment is not subject to any statute of limitations.

*Patron - Bell, Robert B.*

**HB485 Restitution; probation.** Requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution, if any, 30 days prior to the defendant's release from supervision. The bill also requires that if any restitution remains unsatisfied on the date upon which restitution was to be paid in full, a court must schedule a hearing within 90 days of such date if no probation agency was ordered to monitor the defendant's payments.

*Patron - Bell, Robert B.*

**HB514 Search warrants; unattended deaths.** Authorizes the issuance of a search warrant to search any place for (i) a dead human body where, at the time of death, the decedent was not being attended to by a physician, or (ii) evidence of the cause or manner of death of such a body.

*Patron - Bell, Robert B.*

**HB522 Safe reporting of criminal sexual assault.** Establishes an affirmative defense to prosecution of an individual for (i) simple possession of a controlled substance, marijuana, or controlled paraphernalia; (ii) intoxication in public; or (iii) the unlawful purchase, possession, or consumption of alcohol if such individual reports to a law-enforcement officer that he was the victim of or witness to a criminal sexual assault that occurred concurrently with the conduct listed in clause (i), (ii), or (iii) if the evidence for the charge was obtained as a result of the individual reporting the criminal sexual assault. The bill provides that no individual may assert this affirmative defense if the emergency medical attention sought or obtained was during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest. The bill provides further that no disciplinary action, including expulsion, shall be taken against a student for any conduct involving alcohol, marijuana, a controlled substance, or an imitation controlled substance on a school bus, school property, or at a school-sponsored activity if, concurrent to such conduct, the student was a victim of or witness to a criminal sexual assault.

*Patron - Sullivan*

**HB585 Magistrates; additional compensation.** Allows localities to provide additional compensation to magistrates by removing language that prohibited such funding if such additional compensation was not already provided prior to June 30, 2008. The bill also removes language that prevents localities from increasing the total amount of additional compensation provided after June 30, 2008. The bill does not change the provision that the total amount of such additional compensation by localities may not exceed 50 percent of the amount paid by the Commonwealth to magistrates.

*Patron - Bloxom*

**HB604 Warrant requirement for telecommunications records; location data.** Provides that a provider of electronic communication service or remote computing service shall not disclose location data to an investigative or law-enforcement officer except pursuant to a search warrant. Currently, a warrant is required for the disclosure of real-time location data. The current exceptions for obtaining real-time location data without a warrant in certain emergency situations are retained.

*Patron - Carr*

**HB617 Discovery in criminal cases; duty to provide.** Requires the attorney for the Commonwealth, upon written notice by an accused to the court and to the attorney for the Commonwealth, to permit the accused to inspect and 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, and other scientific reports and written reports of a physical or mental examination of the accused or the alleged victim; (iii) any books, papers, documents, tangible objects, buildings, or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth; (iv) any relevant police reports, as defined in the bill; and (v) all relevant statements, as defined in the bill, of any non-expert witness whom the Commonwealth is required to designate on a witness list. The bill also provides that if the accused files a written notice the accused shall (a) permit the Commonwealth to inspect, copy, or photograph any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine, and breath analyses, and other scientific tests that are within the possession, custody, or control of the accused and that the accused intends to introduce in evidence at the trial or sentencing; (b) disclose whether he intends to introduce evidence to establish an alibi; (c) if he intends to rely upon a defense of insanity, permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the accused made in connection with the case; and (d) disclose all relevant statements of any non-expert witness, other than the defendant, whom the defense is required to designate on a witness list. The bill provides that

for good cause a party may withhold or redact certain information from such disclosures and the opposing party may file a motion to compel disclosure or to remove any restriction. The accused's duty to provide discovery shall be in addition to any duty to provide reciprocal discovery pursuant to Rule 3A:11 of the Rules of Supreme Court of Virginia.

*Patron - Carroll Foy*

**HB620 Limitation of prosecutions; certain felonies.** Provides that felony violations of §§ 3.2-6570 (animal cruelty) and 18.2-386.1 (unlawful filming) are not subject to any statute of limitations on prosecution. With few exceptions, felonies are not subject to any statute of limitations. However, currently, both misdemeanor and felony violations of unlawful filming are subject to a five-year statute of limitations and certain felony and misdemeanor violations of animal cruelty are subject to a five-year statute of limitations, or a one-year statute of limitations if the offense involved an agricultural animal, while certain other felony violations of animal cruelty are not subject to any statute of limitations and certain other misdemeanor violations of animal cruelty are subject to the one-year statute of limitations that applies to most misdemeanors.

*Patron - Bell, Robert B.*

**HB634 Two-way video testimony; reports by Chief Medical Examiner.** Provides that any testimony offered by either party in a preliminary hearing or sentencing hearing, or offered by the accused in any hearing other than a trial, from the Chief Medical Examiner, his assistants, or medical examiners who performed a medicolegal investigation of death or postmortem examination may be presented by two-way video conferencing. The bill provides that any decision to purchase a two-way electronic video and audio communication system is at the discretion of the locality.

*Patron - Hurst*

**HB645 Strip searches of certain misdemeanants, etc.** Authorizes the strip search of a person in custodial arrest for a traffic infraction, a Class 3 or Class 4 misdemeanor, or a local ordinance punishable by no more than 30 days in jail for a controlled substance if a law-enforcement officer has reasonable cause to believe that such person is concealing such substance. Currently, only strip searches of such persons for weapons is allowed.

*Patron - Hope*

**HB750 Presentence reports; access by work release programs.** Authorizes the court to provide a copy of a presentence report to the director or administrator of a work release program if the person who is the subject of the report is under consideration for participation in such program.

*Patron - Leftwich*

**HB758 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*

**HB833 Multi-jurisdiction grand jury; hate crimes.** Adds the following to the list of crimes that a multi-jurisdiction grand jury may investigate: (i) simple assault or assault and battery where the victim was intentionally selected because of his race, religious conviction, color, or national origin; (ii) entering the property of another for purposes of damaging such property or its contents or interfering with the rights of the owner, user, or occupant where such property was intentionally selected because of the race, religious conviction, color, or

national origin of the owner, user, or occupant; and (iii) various offenses that tend to cause violence.

*Patron - Bagby*

**HB841 Admissibility of prior inconsistent statements in a criminal case.** Provides that in all criminal cases, evidence of a prior statement that is inconsistent with testimony at the hearing or trial is admissible if the testifying witness is subject to cross-examination and the prior statement (i) was made by the witness under oath at a trial, hearing, or other proceeding or (ii) narrates, describes, or explains an event or condition of which the witness had personal knowledge and (a) the statement is proved to have been written or signed by the witness; (b) the witness acknowledges under oath the making of the statement in his testimony at the hearing or trial in which the admission into evidence of the prior statement is being sought; or (c) the statement is proved to have been accurately recorded by using an audio recorder, a video/audio recorder, or any other similar electronic means of sound recording. This bill is a recommendation of the Virginia State Crime Commission.

*Patron - Bell, Robert B.*

**HB900 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 has not submitted a written demand for the return of the property within 21 days from the date the stay terminates.

*Patron - Freitas*

**HB953 Crime victims; immigration status.** Provides that no law-enforcement officer or other agent of state or local government shall, when investigating a crime, inquire into the immigration status of any person who reports that he is the victim of the crime or the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or the parent or guardian of a minor witness. The bill does not prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested or charged with a criminal violation or when such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is a victim.

*Patron - Lopez*

**HB961 Expungement of police and court records; victims of human trafficking.** Allows a victim of human trafficking to petition for expungement of convictions for certain nonviolent offenses.

*Patron - Yancey*

**HB962 Expungement of prostitution convictions.** Allows a person to petition for expungement of convictions for prostitution when the person was induced to engage in prostitution through the use of force, intimidation, or deception by another.

*Patron - Yancey*

**HB997 Pretrial Services Act; repeal.** Repeals the Pretrial Services Act (§ 19.2-152.2 et seq.). The Act authorized the establishment of local pretrial services agencies that were intended to assist judicial officers in making bail determinations. The bill has a delayed effective date of July 1, 2019.

*Patron - Gilbert*

**HB1008 Postrelease incarceration for violations of postrelease supervision.** Clarifies that when a sentence is imposed upon conviction of a felony that includes an active term of incarceration and the court does not order a suspended

term of confinement of at least six months, a period of postrelease incarceration shall be imposed that is not less than six months or more than three years. The bill also clarifies that it is the period of postrelease incarceration that is required to be suspended, not the period of postrelease supervision.

*Patron - Gilbert*

**[FHB1015 Multi-jurisdiction grand jury investigations.]** Expands the purview of multi-jurisdiction grand juries to allow the investigation of any criminal violation of Virginia law punishable as a felony.

*Patron - Gilbert*

**[FHB1030 Officer-involved shootings; model policy for investigations; disclosure of report.]** Provides that an attorney for the Commonwealth shall disclose a report of his findings for any "officer-involved shooting" if no criminal charges are brought against a law-enforcement officer, or, alternatively, if charges are brought, the attorney for the Commonwealth shall issue a statement disclosing the general purpose of bringing such charges or seeking an indictment. The bill directs the Department of Criminal Justice Services to develop a model policy regarding the investigation of an officer-involved shooting.

*Patron - Price*

**[FHB1062 Misdemeanor sexual offenses; statute of limitations.]** Eliminates the statute of limitations for prosecuting misdemeanor violations of the following crimes: female genital mutilation, 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.

*Patron - Tran*

**[FHB1065 Expungement of police and court records; possession of marijuana.]** Allows a person convicted of possession of marijuana, or charged with such offense which charge was deferred and dismissed, who has successfully completed all terms of probation to file a petition for expungement after at least five years have passed since the date of conviction. 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 - Heretick*

**[FHB1066 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 and with the agreement of the attorney for the Commonwealth, enter an order requiring the expungement of the police and court records relating to the charge.

*Patron - Heretick*

**[FHB1147 Sealing of court and police records; non-violent misdemeanor offenses.]** Requires the clerk of court for the jurisdiction in which a person was convicted of a nonviolent misdemeanor offense to seal the court records related to such conviction after 10 years from the date of the person's completion of all terms of sentencing and probation. The bill defines a nonviolent misdemeanor offense as any misdemeanor other than a violation of a protective order, a crime against the person (§ 18.2-30 et seq.), or an offense that requires registration on the Sex Offender and Crimes Against Minors Registry. The bill also requires the clerk to seal records related to a nonviolent misdemeanor offense charge that was terminated by nolle prosequi or otherwise dismissed after the expiration of the statute of limitations for such charge. The bill provides that the clerk shall give notice to any law-enforcement agency that has in its possession records related to a charge or conviction that has been sealed and requires the law-enforcement agency to keep such records in a confidential separate file. The bill also provides that law-enforcement agencies, attorneys for the

Commonwealth, and the Office of the Attorney General may still access these records and that sealed convictions are still considered a prior conviction for purposes of enhancing penalties for subsequent offenses.

*Patron - Convirs-Fowler*

**[FHB1214 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; all court costs, fines, and restitution have been paid; and five years have elapsed since the date of completion of all terms of sentencing and probation.

*Patron - Hugo*

**[FHB1264 DNA analysis upon conviction of certain misdemeanors.]** Adds misdemeanor violations of §§ 18.2-57 (assault and battery), 18.2-57.2 (assault and battery against a family or household member), 18.2-96 (petit larceny), 18.2-103 (concealing merchandise; altering price tags), 18.2-119 (trespass), 18.2-137 (destruction of property), and 18.2-460 (obstruction of justice) to the list of offenses for which an adult convicted of such offense must have a sample of his blood, saliva, or tissue taken for DNA analysis. This bill is a recommendation of the Virginia State Crime Commission.

*Patron - Toscano*

**[FHB1290 Tethered unmanned aircraft systems.]** Allows a law-enforcement agency or other state or local agency having jurisdiction over criminal law enforcement or regulatory violations to deploy a tethered unmanned aircraft system without obtaining a search warrant, provided that the person with legal authority over the property upon which the aircraft system is tethered consents to the deployment and the property is posted as being under surveillance by a tethered unmanned aircraft system. The bill defines "tethered unmanned aircraft system" as an unmanned aircraft system that is fixed to a general location by means of a tether.

*Patron - Guzman*

**[FHB1296 Establishment of statewide public defender system; appellate defender officer.]** Establishes a public defender office in each judicial circuit. Currently, public defender offices have been established in certain localities. The bill also establishes an appellate defender office to represent indigent persons in appeals of their convictions to the Court of Appeals of Virginia or Supreme Court of Virginia.

*Patron - Rasoul*

**[FHB1312 Sentencing guidelines; appeals.]** Allows a court's departure from the discretionary sentencing guidelines to be reviewable on appeal, provided that the court failed to file the required written explanation of such departure and the sentence imposed exceeded the maximum of the sentencing guidelines range by more than 12 months. The bill provides that the appellate court reviewing the sentence shall (i) determine whether there exists evidence of potential bias by the court that imposed the sentence and (ii) if such evidence is found, review the sentence for abuse of discretion.

*Patron - Lindsey*

**[FHB1317 Administrative subpoena for electronic communication service or remote computing service records; certain offenses.]** Adds various computer crimes to the list of crimes for which attorneys for the Commonwealth have the authority to issue administrative subpoenas to obtain records and other information from electronic communication service and remote computing service providers if relevant to a legitimate law-enforcement investigation.

*Patron - Morefield*

**[FHB1515 Ascertaining citizenship of person taken into custody at a jail.]** Provides that a sheriff or other officer in charge of a jail shall only inquire as to the citizenship of a person taken into custody at the jail if such person's criminal his-

tory information includes a prior conviction for a felony offense or an offense that is the basis for the initiation of removal proceedings by the United States Immigration and Customs Enforcement. Under current law, an inquiry must be made into the citizenship of every person taken into custody at a jail.

*Patron - Watts*

**HB1594 Crime victims; immigration status.** Provides that no law-enforcement officer or other agent of state or local government shall, when investigating a crime, inquire into the immigration status of any person who reports that he is the victim of the crime or the parent or guardian of a minor victim, or is a cooperating witness in the criminal investigation or the parent or guardian of a minor witness. The bill does not prohibit a law-enforcement officer from inquiring into the immigration status of a victim or witness who has been arrested or charged with a criminal violation, or when such inquiry is required by federal law or is essential to the investigation or prosecution of the crime to which the person is a witness or of which the person is a victim.

*Patron - Guzman*

**SB34 Expungement of police and court records; deceased persons.** Provides that in the event that a person who is entitled to bring a petition for expungement dies before filing a petition, the next of kin of the decedent may file on the decedent's behalf within three years after the death of the decedent. The bill also provides that if a person who is entitled to bring a petition for expungement dies while such petition is pending, his next of kin may continue to prosecute such petition on the decedent's behalf.

*Patron - Stanley*

**SB68 Strip searches of certain misdemeanants, etc.** Authorizes the strip search of a person in custodial arrest for a traffic infraction, a Class 3 or Class 4 misdemeanor, or a local ordinance punishable by no more than 30 days in jail for controlled substances, marijuana, or other contraband if a law-enforcement officer has reasonable cause to believe that such person is concealing any of these items. Currently, only strip searches of such persons for weapons is allowed.

*Patron - Howell*

**SB94 Expungement of police and court records; crimes defined.** Provides that police and court records for all felony or misdemeanor offenses, or traffic infractions, are potentially eligible for expungement if the person seeking the expungement qualifies under the statute.

*Patron - Surovell*

**SB98 Expungement of police and court records; deceased persons.** Provides that in the event that a person who is entitled to bring a petition for expungement dies before filing a petition, the next of kin of the decedent may file on the decedent's behalf within three years after the death of the decedent. The bill also provides that if a person who is entitled to bring a petition for expungement dies while such petition is pending, his next of kin may continue to prosecute such petition on the decedent's behalf.

*Patron - Marsden*

**SB100 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 abolition of parole, for a nonviolent felony committed after 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 circuit court in which the order of conviction was originally entered. The circuit court shall empanel a new jury for the purpose 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 - McClellan*

**SB118 Dissemination of juvenile record information; emergency medical services agency applicants.** Provides that juvenile record information maintained in the Central Criminal Records Exchange may be disseminated (i) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency and (ii) to the county, city, or town manager or chief law-enforcement officer located in a locality that has adopted an ordinance to conduct investigations of employment applicants for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency. This bill was incorporated into SB 109.

*Patron - Favola*

**SB122 Dissemination of juvenile record information; emergency medical services agency applicants.** Provides that juvenile record information maintained in the Central Criminal Records Exchange may be disseminated (i) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency and (ii) to the county, city, or town manager or chief law-enforcement officer located in a locality that has adopted an ordinance to conduct investigations of employment applicants for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency. This bill was incorporated into SB 109.

*Patron - Wexton*

**SB135 Admissibility of prior inconsistent statements in a criminal case.** Provides that in all criminal cases, evidence of a prior statement that is inconsistent with testimony at the hearing or trial is admissible if the testifying witness is subject to cross-examination and the prior statement (i) was made by the witness under oath at a trial, hearing, or other proceeding or (ii) narrates, describes, or explains an event or condition of which the witness had personal knowledge and (a) the statement is proved to have been written or signed by the witness; (b) the witness acknowledges under oath the making of the statement in his testimony at the hearing or trial in which the admission into evidence of the prior statement is being sought; or (c) the statement is proved to have been accurately recorded by using an audio recorder, a video/audio recorder, or any other similar electronic means of sound recording. This bill is a recommendation of the Virginia State Crime Commission.

*Patron - Howell*

**SB334 Expungement of certain offenses.** Allows a person to petition for expungement of a deferred disposition dismissal for underage alcohol possession or using a false ID to obtain alcohol when the offense occurred prior to the person's twenty-first birthday; all court costs, fines, and restitution have been paid; and the person seeking the expungement is at least 21 years of age and has no other alcohol-related convictions. The bill provides that any person seeking expungement of an alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. The provisions of the bill are contingent upon funding in a general appropriation act.

*Patron - Peake*

**SB339 Deferred disposition in criminal cases.** Allows a court to defer and dismiss a criminal case where the defendant has been diagnosed with autism or an intellectual disability.

*Patron - Stuart*

**SB341 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 owner of the property or the person in whose custody such property is found 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 or the person in whose custody the property is found has not submitted a written demand for the return of the property within one year from the date the property was seized.

*Patron - Peake*

**[F]SB403 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; all court costs, fines, and restitution have been paid; and five years have elapsed since the date of completion of all terms of sentencing and probation. The bill provides that any person seeking expungement of a marijuana possession or alcohol-related charge shall be assessed a \$150 fee, which shall be paid into the state treasury and credited to the Department of State Police. The provisions of the bill are contingent upon funding in a general appropriation act. This bill incorporates SB 645.

*Patron - McDougle*

**[F]SB608 Expungement of police and court records; plea agreements.** Provides that any provision in any plea agreement that purports to waive, release, or extinguish the right of a person to file a petition requesting the expungement of police and court records shall be void and unenforceable as against public policy.

*Patron - Surovell*

**[F]SB644 DNA sample after arrest; certain misdemeanors.** Adds indecent exposure and obscene sexual display to the list of crimes for which a DNA sample must be taken upon arrest for commission or attempted commission of such crimes. The provisions of the bill apply only to persons convicted on or after July 1, 2018. The provisions of the bill are contingent upon funding in a general appropriation act.

*Patron - McPike*

**[F]SB645 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. This bill was incorporated into SB403.

*Patron - McPike*

**[F]SB685 Restitution form; completion by court or clerk of court.** Provides that the required form outlining the amount of restitution and repayment terms shall be completed by the court or clerk of court if the attorney for the Commonwealth serves part-time. Under current law, if the attorney for the Commonwealth participated in the prosecution of the defendant who owes restitution, such attorney shall complete the restitution form, regardless of his employment status.

*Patron - Deeds*

**[F]SB734 Custodial interrogations; length; recording.** 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. The bill further provides that the length of any custodial interrogation shall not be unreasonable and the person who is subject to such interrogation shall be permitted reasonable periods for rest and personal necessities.

*Patron - McClellan*

**[F]SB776 Administrative subpoena for electronic communication service or remote computing service records; certain offenses.** Adds various computer crimes to the list of crimes for which attorneys for the Commonwealth have the authority to issue administrative subpoenas to obtain records and other information from electronic communication service and remote computing service providers if relevant to a legitimate law-enforcement investigation.

*Patron - Chafin*

**[F]SB795 CBD oil and THC-A oil; certification for use; dispensing.** Provides that a practitioner may issue a written certification for the use of cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The bill also reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil, respectively. This bill was incorporated into SB 726.

*Patron - Dunnivant*

**[F]SB802 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 - Favola*

## Carried Over

**[C]SB93 Eligibility for parole; at liberty between offenses.** Provides that a person convicted of three separate felony offenses of murder, rape, or robbery by the presenting of firearms or other deadly weapon, or any combination of such offenses, shall be eligible for parole unless that person was at liberty between the three convictions and used a weapon during the commission of each offense. Under current law, such a person convicted of three separate felony offenses is ineligible for parole regardless of liberty status between offenses and the use of a weapon during the commission of each offense.

*Patron - Surovell*

**[C]SB110 Marijuana field test; evidence at trial.** Provides that a law-enforcement officer is permitted to testify as to the results of any field test approved by the Department of Forensic Science regarding whether or not any plant material is marijuana in any trial for a misdemeanor offense of possession of marijuana with intent to distribute. Under current law, such testimony is allowed only in any trial for simple possession of marijuana.

*Patron - Howell*

**[C]SB167 Discovery in criminal cases; duty to provide.** Requires the attorney for the Commonwealth, upon written notice by an accused to the court and to the attorney for the Commonwealth, to permit the accused to inspect and 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, and other scientific reports and written reports of a physical or mental examination of the accused or the alleged victim; (iii) any books, papers, documents, tangible objects, buildings, or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth; (iv) any relevant police reports, as defined in the bill; and (v) any relevant statements, as defined in the bill, of any non-expert witness whom the Commonwealth is required to designate on a witness list. The bill also provides that if the accused files a written notice the accused shall (a) permit the Commonwealth to inspect, copy, or photograph any written reports of autopsy examinations, ballistic tests, fingerprint, blood, urine, and breath analyses, and other scientific tests that are within the possession, custody, or control of the accused and that the accused intends to introduce in evidence at the trial or sentencing; (b) disclose whether he intends to introduce evidence to establish an alibi; (c) if he intends to rely upon a defense of insanity, permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the accused made in connection with the case; and (d) disclose all relevant statements of any non-expert witness, other than the defendant, whom the defense is required to designate on a witness list. The bill provides that for good cause a party may withhold or redact certain information from such disclosures and the opposing party may file a motion to compel disclosure or to remove any restriction. The accused's duty to provide discovery shall be in addition to any duty to provide reciprocal discovery pursuant to Rule 3A:11 of the Rules of Supreme Court of Virginia.

*Patron - Stanley*

**SB224 Release of seized property; petition to stay release.** Provides that any property seized shall be released to the owner or lienholder within one year from the date of seizure unless an information has been filed against the property or the attorney for the Commonwealth files a petition to stay the release of such property. The bill provides that such petition shall allege that the property seized is an integral part of an investigation and that such property cannot be returned without jeopardizing such investigation. The bill provides that the owner or lienholder may file a response to the petition within 30 days of the filing of such petition and that, if a response is filed, the Commonwealth must prove by a preponderance of the evidence that the property is an integral part of an investigation.

*Patron - Petersen*

**SB463 Disposition of forfeited property used in connection with the commission of drug crimes; Drug Offender Assessment and Treatment Fund.** Provides that 20 percent of all cash, negotiable instruments, and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees, and costs as provided in § 19.2-386.12, shall be paid into the Drug Offender Assessment and Treatment Fund. The remaining 80 percent of such property and proceeds will continue to be deposited into the special fund of the Department of Criminal Justice Services made available to federal, state, and local agencies to promote law enforcement. The bill provides that promoting law-enforcement shall include activities calculated to enhance future investigations, law-enforcement training, law enforcement equipment and operations, detention facilities, law-enforcement facilities, drug education and drug addiction and rehabilitation programs, pro rata funding, and asset accounting and tracking and other expenses specifically approved by the Department of Criminal Justice Services that promote law enforcement in accordance with this section and regulations adopted by the Criminal Justice Services Board.

*Patron - Reeves*

**SB777 Post-conviction relief; previously admitted scientific evidence.** Provides that a person who was convicted

of certain offenses, upon a plea of not guilty or an Alford plea, or who was adjudicated delinquent upon a plea of not guilty or an Alford plea, by a circuit court of an offense that would be such offense if committed by an adult, may petition the Court of Appeals to have his conviction vacated. The petition shall allege (i) that the petitioner did not commit the covered offense for which the petitioner was convicted or adjudicated delinquent, nor engage in conduct that would support a conviction for a lesser offense or any other crime arising from, or reasonably connected to, the facts supporting the indictment or information upon which he was convicted or adjudicated delinquent; (ii) an exact description of the forensic scientific evidence and its relevance in demonstrating that the petitioner did not commit the covered offense; (iii) specific facts indicating that relevant forensic scientific evidence was not available at the time of the petitioner's conviction or adjudication of delinquency through the exercise of reasonable due diligence by the petitioner or that discredited forensic scientific evidence was presented at the petitioner's conviction or adjudication of delinquency; and (iv) that had the forensic scientific evidence been presented at conviction or adjudication of delinquency, the petitioner would not have been convicted or adjudicated delinquent. The bill provides that if the court finds by clear and convincing evidence that the petitioner has proven all of the required allegations contained in the petition, the court may grant the petition and vacate the petitioner's conviction, subject to retrial in the discretion of the Commonwealth. The provisions of the bill become effective July 1, 2019, and expire July 1, 2023.

*Patron - Stanley*

## Domestic Relations

### Passed

**HB289 Effect of divorce proceedings; transfer of matters to juvenile and domestic relations district court.** Provides that after the entry of a decree of divorce a vinculo matrimonii the circuit court shall not (i) transfer a case for modification to the juvenile and domestic relations district court in the absence of a motion by either party or (ii) require a provision for transfer of matters for modification to the juvenile and domestic relations district court as a condition of entry of a decree of divorce a vinculo matrimonii. The bill modifies the provision allowing transfer of any matters covered by the divorce decree to a juvenile and domestic relations district court to add transfer to any circuit court that constitutes a more appropriate forum.

*Patron - Collins*

**HB613 Access to child and spousal support case files.** Provides that all child support and spousal support case files shall be open to inspection only to the persons and agencies listed in the bill. The bill further provides that any other person, agency, or institution having a legitimate interest in such case files or the work of the court, by order of the court, may inspect the case files.

*Patron - Habeeb*

**HB1351 Joint legal or physical child custody.** Provides that the court shall consider and may award joint legal, joint physical, or sole custody of a child and there shall be no presumption in favor of any such form of custody. This bill received Governor's recommendations.

*Patron - Davis*

**HB1360 Guidelines worksheet for the determination of a child support obligation; child support orders.** Provides that the guidelines worksheet relied upon by the court or the Department of Social Services to compute a child support obligation for a support order issued by such court or the Department shall be placed in the court's file or the Depart-

ment's file, and a copy of such guidelines worksheet shall be provided to the parties. This bill is identical to SB 982.

*Patron - Leftwich*

**[F]HB1361 Calculation of child support obligation; multiple custody arrangements.** Establishes methods by which child support obligations can be calculated when multiple custody arrangements exist between parents of children subject to child support orders. This bill is identical to SB 981.

*Patron - Leftwich*

**[F]SB540 Modification of spousal support; retirement age.** Provides that for the purposes of petitioning the court for a modification of spousal support, the payor spouse's reaching full retirement age pursuant to the federal Social Security Act shall be considered a material change in circumstances. The bill provides a list of factors that shall be considered by the court in considering modification based on the payor spouse's reaching full retirement age. A request for modification based on the payor spouse's retirement age is available to any person subject to a spousal support order regardless of the date of the suit for initial setting of support or the date of entry of any such order or decree. The bill provides that in the court's consideration of a petition for modification for any reason, it shall consider the assets or property interest of each of the parties from the date of the support order and up to the time of the hearing on modification or termination and any income generated from the asset or property interest.

*Patron - Hanger*

**[F]SB614 Modification of spousal support.** Provides that no request for modification of spousal support based on a material change in circumstances or the terms of stipulation or contract shall be denied solely on the basis of the terms of any stipulation or contract that is executed on or after July 1, 2018, unless such stipulation or contract contains specific language set out in the bill.

*Patron - Surovell*

**[F]SB615 Spousal support payments; employer withholding.** Clarifies that spousal support orders may be enforced by a court order requiring the payor's employer to deduct the support amount due from the amounts due or payable to such payor. Under current law, it is unclear that such withholding is available for enforcement of spousal support payments in addition to child support payments. The bill contains technical amendments.

*Patron - Surovell*

**[F]SB981 Calculation of child support obligation; multiple custody arrangements.** Establishes methods by which child support obligations can be calculated when multiple custody arrangements exist between parents of children subject to child support orders. This bill is identical to HB 1361.

*Patron - Sturtevant*

**[F]SB982 Guidelines worksheet for the determination of a child support obligation; child support orders.** Provides that the guidelines worksheet relied upon by the court or the Department of Social Services to compute a child support obligation for a support order issued by such court or the Department shall be placed in the court's file or the Department's file, and a copy of such guidelines worksheet shall be provided to the parties. This bill is identical to HB 1360.

*Patron - Sturtevant*

## Failed

**[F]HB75 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]HB149 Child support order payee; change in physical custody of child; child support orders involving the Department of Social Services or the Division of Child Support Enforcement.** Provides that, when a child support order payee no longer has physical custody of a child, the Department of Social Services shall have the authority to direct child support payments to a custodial parent who has physical custody of a child in any child support matter in which an assignment of rights has been made to the Department or an application for services has been made with the Division of Child Support Enforcement. The bill requires the Department to send notice of the redirection of payments to the prior custodial parent. The bill further requires the Department to file a petition to modify the child support order within 10 days of such notice to the prior custodial parent, provided that a petition is not already pending and that there is a court order regarding such child support.

*Patron - Rasoul*

**[F]HB411 Assisted conception; gender-neutral terms.** Makes the relevant law regarding children born as a result of assisted conception applicable to both same-sex and opposite-sex married couples.

*Patron - Simon*

**[F]HB414 Same-sex marriage; marriage laws; gender-neutral terms.** 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). The bill also makes conforming changes to various laws involving married individuals and their rights stemming from marriage.

*Patron - Simon*

**[F]HB491 Rights of parents with a disability.** Provides that a parent's disability, as defined in the bill, shall not be the sole basis of the denial or restriction of such parent's custody or visitation rights. The bill requires a party who alleges that a parent's disability should be a factor to be considered to not be in the best interests of the child, or should otherwise be a reason to deny or restrict such a parent's custody or visitation rights, to prove that the child's best interests would not be met or served due to such parent's disability. The bill allows a parent with a disability to demonstrate how supportive parenting services would appropriately address any threats to the child's best interests and further allows the court to order that such services be ordered by the court. The bill requires a court to make written findings where the court denies or restricts custody or visitation of a parent with a disability or where supportive parenting services are not ordered. The same requirements apply to the denial or approval of a prospective foster parent with a disability, or removal of a child from the home of a foster parent with a disability, and to the denial of a final order of adoption wherein the prospective adoptive parent has a disability.

*Patron - LaRock*

**[F]HB515 Rights of parents with a disability.** Provides that a parent's disability, as defined in the bill, shall not be the sole basis of the denial or restriction of such parent's custody or visitation rights. The bill requires a party who alleges that a parent's disability should be a factor to be considered to not be in the best interests of the child, or should otherwise be a reason to deny or restrict such a parent's custody or visitation rights, to prove that the child's best interests would not be met or served due to such parent's disability. The bill allows a parent with a disability to demonstrate how supportive parenting services would appropriately address any threats to the child's best interests and further allows the court to order that such services be ordered by the court. The bill requires a court to make written findings where the court denies or restricts custody or

visitation of a parent with a disability or where supportive parenting services are not ordered. The same requirements apply to the denial or approval of a prospective foster parent with a disability, or removal of a child from the home of a foster parent with a disability, and to the denial of a final order of adoption wherein the prospective adoptive parent has a disability.

*Patron - Bell, Robert B.*

**[F]HB807 Custody and visitation agreements; best interests of the child.** Adds a definition of "other violent abuse" and 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]SB50 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 have been rendered obsolete by the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015). This bill is a recommendation of the Virginia Code Commission.

*Patron - Edwards*

**[F]SB64 Custody and visitation decisions; communication to parties required in writing.** Requires judges to communicate the basis of a custody or visitation decision to the parties in writing. Current law allows such a decision to be communicated either orally or in writing.

*Patron - Favola*

**[F]SB70 Rights of parents with a disability.** Provides that a parent's disability, as defined in the bill, shall not be the sole basis of the denial or restriction of such parent's custody or visitation rights. The bill requires a party who alleges that a parent's disability should be a factor to be considered to not be in the best interests of the child, or should otherwise be a reason to deny or restrict such a parent's custody or visitation rights, to prove that the child's best interests would not be met or served due to such parent's disability. The bill allows a parent with a disability to demonstrate how supportive parenting services would appropriately address any threats to the child's best interests and further allows the court to order that such services be ordered by the court. The bill requires a court to make written findings where the court denies or restricts custody or visitation of a parent with a disability or where supportive parenting services are not ordered. The same requirements apply to the denial or approval of a prospective foster parent with a disability, or removal of a child from the home of a foster parent with a disability, and to the denial of a final order of adoption wherein the prospective adoptive parent has a disability.

*Patron - Favola*

**[F]SB75 Interest on child support arrearages.** Provides that no interest shall accrue on arrearages for child support obligations when the order for such support was entered on or after July 1, 2018.

*Patron - Favola*

**[F]SB612 Assisted conception; parentage presumption.** Makes the relevant law regarding children born as a result of assisted conception applicable to both same-sex and opposite-sex married couples. The bill also provides that a person is presumed to be the parent of a child if such person is married to the mother at the time of the child's birth or was married to the mother within 300 days of the child's birth.

*Patron - Surovell*

## Carried Over

**[C]HB998 Temporary delegation of parental or legal custodial powers; child-placing agency.** Allows a parent or legal custodian of a minor to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a period not exceeding one year. The bill provides that a parent or legal custodian who is a service member, as defined in the bill, may delegate such powers for a period of longer than a year while on active duty service, but specifies that such a period is not to exceed such active duty service plus 30 days. The bill also exempts from the requirement to obtain a license as a child-placing agency a private, nonprofit organization that assists parents with the process of delegating parental or legal custodial powers of their children, including assistance with identifying appropriate placements for their children, or that provides services and resources to support parents and legal guardians to whom custody has been transferred pursuant to a temporary delegation of parental or legal custodial powers. However, such private, nonprofit organizations will be subject to background checks and must develop and implement written policies for certain services and provide staff and provider training.

*Patron - Byron*

**[C]SB3 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 - Ebbin*

**[C]SB178 Temporary delegation of parental or legal custodial powers; child-placing agency.** Allows a parent or legal custodian of a minor to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a period not exceeding one year. The bill provides that a parent or legal custodian who is a service member, as defined in the bill, may delegate such powers for a period of longer than a year while on active duty service, but specifies that such a period is not to exceed such active duty service plus 30 days. The bill also exempts from the requirement to obtain a license as a child-placing agency a private, nonprofit organization that does not accept public funds and that assists parents with the process of delegating parental or legal custodial powers of their children, including assistance with identifying appropriate placements for their children, or that provides services and resources to support parents and legal guardians to whom custody has been transferred pursuant to a temporary delegation of parental or legal custodial powers.

*Patron - Stanley*

**[C]SB603 Same-sex marriage; gender-neutral terms.** 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). The bill also makes conforming changes to various laws involving married individuals and their rights stemming from marriage and makes the laws addressing the property rights of married women applicable to all spouses, removing any sex-based classifications.

*Patron - Ebbin*

## Education

### Passed

**HB2 Teacher licensure; reciprocity; spouses of Armed Forces members.** Requires the Board of Education to provide for teacher licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The bill provides that no service requirements or licensing assessments shall be required for any such individual. This bill is identical to SB 103.

*Patron - Bell, Richard P.*

**HB45 Family life education curricula; personal privacy and personal boundaries.** Requires any family life education curriculum offered in any elementary school, middle school, or high school to incorporate age-appropriate elements of effective and evidence-based programs on the importance of the personal privacy and personal boundaries of other individuals and tools for a student to use to ensure that he respects the personal privacy and personal boundaries of other individuals.

*Patron - Filler-Corn*

**HB50 Local school boards; school meal policies.** Requires each local school board to adopt policies that (i) prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to do chores or other work to pay for such meals or wear a wristband or hand stamp and (ii) require school board employees to direct any communication relating to a school meal debt to the student's parent, which may be made by a letter addressed to the parent to be sent home with the student. This bill is identical to SB 840.

*Patron - Hope*

**HB80 Teacher licensure by reciprocity; third-party verification of application documents.** Requires the Board of Education, in its regulations providing for teacher licensure by reciprocity, to permit applicants to submit third-party employment verification forms.

*Patron - Krizek*

**HB81 Division superintendents; vacancies; appointment.** Requires the Superintendent of Public Instruction, upon the request of a school board, to grant such school board up to an additional 180 days to appoint a new division superintendent.

*Patron - Krizek*

**HB84 Instruction in American Sign Language; academic credit; foreign language requirements.** Requires any local school board that does not offer any elective course in American Sign Language to (i) grant academic credit for successful completion of an American Sign Language course offered by a comprehensive community college or a multidivision online provider approved by the Board of Education on the same basis as the successful completion of a foreign language course and (ii) count completion of any such American Sign Language course toward the fulfillment of any foreign language requirement for graduation.

*Patron - Bell, Richard P.*

**HB167 Diploma seals; science, technology, engineering, and mathematics.** Requires the Board of Education to establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board of Education-approved diplomas. Under current law,

such diploma seal is limited in scope to technology and advanced mathematics.

*Patron - Miyares*

**HB215 Teacher licensure; one-year license; instructors at regionally accredited institutions of higher education.** Declares eligible for a renewable one-year license to teach in public high schools in the Commonwealth any individual who has (i) received a graduate degree from a regionally accredited institution of higher education; (ii) completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education; (iii) received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought; and (iv) completed certain other licensure requirements.

*Patron - Knight*

**HB231 County manager plan of government; popular election of school board.** Clarifies that in a county with the county manager plan of government (Arlington County), the county may have an elected school board notwithstanding the default method of school board appointment as set out under current law.

*Patron - Hope*

**HB329 High school graduation requirements; course load.** Requires the Board of Education, in establishing high school graduation requirements, to permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

*Patron - Yancey*

**HB399 School boards; work-based learning experiences for students; notification.** Requires each school board to implement a plan to notify students and their parents of the availability of internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences.

*Patron - Keam*

**HB438 Elementary and secondary schools; sexual misconduct.** Requires the Department of Education and local school boards to adopt policies to implement the provisions of federal law that prohibit any local school board or any individual who is an employee, contractor, or agent of a local school board from assisting an employee, contractor, or agent of such local school board in obtaining a new job if such local school board or individual knows or has probable cause to believe that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of law. This bill is identical to SB 605.

*Patron - Bulova*

**HB442 Career and technical education credentials; testing accommodations for English language learners.** Requires the Department of Education to develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each certification, examination, assessment, and battery that satisfies the career and technical education credential graduation requirement. The bill requires each local school board to develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery. The bill has a delayed effective date of July 1, 2019.

*Patron - Carroll Foy*

**HB443 High school graduation requirements; substitution of computer coding credit for foreign language credit.** Requires the Board of Education, in establishing high school graduation requirements, to permit any English lan-

guage learner who previously earned a sufficient score on an Advanced Placement or International Baccalaureate foreign language examination or an SAT II Subject Test in a foreign language to substitute computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

*Patron - Carroll Foy*

**HB507 Standards of Quality; instructional programs and positions; dual language.** Provides that (i) the instructional programs for students with limited English proficiency implemented by each local school board may include dual language programs whereby such students receive instruction in English and in a second language and (ii) the additional full-time equivalent instructional positions for students identified as having limited English proficiency that are funded pursuant to the general appropriation act may include dual language teachers who provide instruction in English and in a second language.

*Patron - Mullin*

**HB544 High School to Work Partnerships; establishment; exemptions.** Permits each local school board to (i) establish High School to Work Partnerships (Partnerships) between public high schools and local businesses to create opportunities for high school students to (a) participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or (b) tour local businesses and meet with owners and employees or (ii) delegate the authority to establish Partnerships to the local school division's career and technical education administrator or his designee, in collaboration with the guidance counselor office of each public high school in the school division. The bill requires such local school boards to educate high school students about opportunities available through such Partnerships. The bill also requires the Board of Education, the Department of Labor and Industry, and the State Board for Community Colleges to identify Partnerships that may be eligible for exemptions from certain federal and state labor laws and regulations and establish procedures by which such exemptions may be obtained for such Partnerships. This bill is identical to SB 960.

*Patron - Freitas*

**HB632 Career investigation courses and programs of instruction.** Requires the Board of Education (Board) to (i) establish content standards and curriculum guidelines for courses in career investigation; (ii) develop, in consultation with certain stakeholders, resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school; and (iii) disseminate such career investigation resource materials to each school board. The bill directs each school board to require each middle school student to take at least one course or alternative program of instruction in career investigation.

*Patron - Bulova*

**HB779 School board of the City of Norfolk; salaries of appointed members.** Eliminates the cap on the annual salary that the school board of the City of Norfolk may pay its appointed members. Beginning July 1, 2018, all members of such school board will be elected members. Salaries of elected school board members are subject to the same limitations as salaries of members of local governing bodies. This bill is identical to SB 361.

*Patron - Heretick*

**HB803 High school equivalency programs; eligibility.** Extends eligibility to participate in programs of preparation and instruction to take a high school equivalency examination approved by the Board of Education to individuals who are at least 16 years of age. Under current law, such programs are available only to adults who did not complete high school, students who have been granted permission by their division

superintendent, and those who have been ordered by a court to participate in the program.

*Patron - O'Quinn*

**HB810 School bus operators; training.** Requires any school bus operator applicant who does not possess a commercial driver's license to receive (i) a minimum of 24 hours of classroom training and (ii) six hours of behind-the-wheel training on a school bus that contains no pupil passengers and requires any school bus operator applicant who possesses a commercial driver's license to receive (a) a minimum of four hours of classroom training and (b) three hours of behind-the-wheel training on a school bus that contains no pupil passengers. Current law leaves the setting of such hourly requirements to the Department of Education. The bill contains technical amendments. This bill is identical to SB 557.

*Patron - O'Quinn*

**HB829 Compulsory school attendance.** Clarifies that each parent of a school-age child in the Commonwealth is required to cause his child to attend school. Current law requires each such parent to send his child to school.

*Patron - Bagby*

**HB1000 School boards; employment of certain individuals.** Permits any school board to employ an individual who, at the time of the individual's hiring, has been convicted of a felony, provided that such individual (i) was employed in good standing by a school board on or before December 17, 2015; (ii) has been granted a simple pardon for such offense by the Governor or other appropriate authority; and (iii) has had his civil rights restored by the Governor or other appropriate authority. This bill is identical to SB 343. This bill received Governor's recommendations.

*Patron - Gilbert*

**HB1044 School board policies; healthy school workplaces.** Requires each school board to adopt policies to (i) prohibit abusive work environments in the school division, (ii) provide for the appropriate discipline of any school board employee who contributes to an abusive work environment, and (iii) prohibit retaliation or reprisal against a school board employee who alleges an abusive work environment or assists in the investigation of an allegation of an abusive work environment.

*Patron - Torian*

**HB1085 Public schools; military students; enrollment.** Requires any local school board of a school division in which a military installation or other military housing is located to establish and implement policies to provide for the enrollment to any school of any student residing on a military installation or in military housing within the school division, upon the request of his parent. The bill permits such policies to include certain conditions. The bill requires a copy of such policies to be posted on the division's website and to be available to the public upon request.

*Patron - Yancey*

**HB1125 Teacher licensure.** Makes several changes to the teacher licensure process, including (i) permitting teachers with a valid out-of-state license, with full credentials and without deficiencies, to receive licensure by reciprocity without passing additional licensing assessments and (ii) permitting a local school board or division superintendent to waive certain licensure requirements for any individual who holds a provisional license and is employed by the local school board. This bill is identical to SB 349.

*Patron - Landes*

**HB1156 Teacher licensure; endorsement in dual language instruction pre-kindergarten through grade six.** Requires the Board of Education, in its regulations governing licensure, to provide for licensure of teachers with an endorsement in dual language instruction pre-kindergarten through grade six. The bill defines "dual language instruction" as

instruction in English and in a second language. The bill requires the Board, in establishing the requirements for such endorsement, to require, at minimum, coursework in dual language education; bilingual literacy development; methods of second language acquisition; theories of second language acquisition; instructional strategies for classroom management for the elementary classroom; and content-based curriculum, instruction, and assessment. The bill provides that (i) each teacher with such an endorsement is exempt from the Virginia Communication and Literacy Assessment requirement but is subject to the subject matter-specific professional teacher's assessment requirements and (ii) no teacher with such an endorsement is required to obtain an additional endorsement in early/primary education pre-kindergarten through grade three or elementary education pre-kindergarten through grade six in order to teach in pre-kindergarten through grade six.

*Patron - Wilt*

**HB1370 Requirements for home instruction of children; education options.** Clarifies that a parent who provides a program of study or curriculum that may be delivered as home instruction is required to provide his child with such program of study or curriculum to satisfy the requirements for the home instruction of such child.

*Patron - Pogge*

**HB1419 Public schools; instructional time.** Requires local school boards to provide (i) a minimum of 680 hours of instructional time to students in elementary school, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and (ii) a minimum of 375 hours of instructional time to students in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science. The bill authorizes local school boards to include and requires the Board of Education to accept, for elementary school, unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time or teaching hours. This bill is identical to SB 273.

*Patron - Delaney*

**HB1485 Truancy; procedures.** Makes several changes to the procedures relating to interventions when a pupil fails to report to school for a total of five scheduled school days for the school year, no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, including (i) removing the appointed attendance officer as a party to the plan to resolve such nonattendance, (ii) permitting but not requiring the attendance officer to participate in the conference necessitated by additional absences subsequent to the development of the plan, and (iii) permitting but not requiring the attendance officer to file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of supervision or to institute criminal proceedings against the parent pursuant to relevant law. Under current law, the attendance officer is required to participate in such conference and is also required to file such complaint and institute such proceedings in cases in which the pupil is absent for an additional school day without indication that the pupil's parent is aware of and supports the pupil's absence. This bill is identical to SB 841.

*Patron - Filler-Corn*

**HB1530 Career and technical education; diplomas.** Requires the Board of Education to make recommendations to the Governor and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2018, relating to (i) strategies for eliminating any stigma associated with high school career and technical education pathways and the choice of high school students to pursue coursework and other educational opportunities in career and technical education and related fields such as computer science and robotics and (ii) the consolidation of the standard and advanced diplomas into a single diploma and the creation of multiple endorsements for such diploma to recognize student competencies and achievements in specific subject matter areas.

Patron - Davis

**HB1532 Health education; prescription drugs.** Permits the health education program required for each public elementary and secondary school student to include an age-appropriate program of instruction on the safe use of and risks of abuse of prescription drugs that is consistent with curriculum guidelines developed by the Board of Education and approved by the State Board of Health. The bill provides that the Board of Education may consider the curriculum adopted by the School Board of the City of Virginia Beach regarding drugs and the opioid crisis in developing such curriculum guidelines.

*Patron - Herring*

**HB1600 Student discipline; long-term suspension.** Reduces the maximum length of a long-term suspension from 364 calendar days to 45 school days. The bill permits a long-term suspension to extend beyond a 45-school-day period, not to exceed 364 calendar days, if (i) the offense involves weapons, drugs, or serious bodily injury or (ii) the school board or division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education. The bill requires the Department of Education's definition of aggravating circumstances to include consideration of a student's disciplinary history.

*Patron - Bourne*

**HB1604 Health instruction; mental health.** Requires health instruction to incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. The bill also directs the Board of Education to review and update the health Standards of Learning for students in grades nine and 10 to include mental health. This bill is identical to SB 953.

*Patron - Bell, Robert B.*

**SB76 Teacher licensure; approval of teacher education programs.** Specifies that for the purpose of Board of Education regulations for the approval of teacher education programs, the term "education preparation program" includes four-year bachelor's degree programs in teacher education.

*Patron - Favola*

**SB101 Family life education curricula.** 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 sexual harassment using electronic means. The bill permits any family life education curriculum offered by a local school division to incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation, and child sexual abuse. This bill incorporates SB 425, SB 789, and SB 843.

*Patron - McClellan*

**SB103 Teacher licensure; reciprocity; spouses of Armed Forces members.** Requires the Board of Education to provide for teacher licensure by reciprocity for any spouse of an active duty member of the Armed Forces of the United States or the Commonwealth who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The bill provides that no service requirements or licensing assessments shall be required for any such individual. This bill is identical to HB 2.

*Patron - Suetterlein*

**SB170 Public schools; student discipline.** Prohibits, except for drug offenses, firearm offenses, and certain criminal acts, students in preschool through grade three from being sus-



pending for more than three school days or expelled from attendance at school unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

*Patron - Stanley*

**SB229 School bus personnel; training program; autism spectrum disorders.** Requires the Board of Education to establish a training program for school board employees who assist in the transportation of students on school buses, including individuals employed to operate school buses and school bus aides, on autism spectrum disorders, including the characteristics of autism spectrum disorders, strategies for interacting with students with autism spectrum disorders, and collaboration with other employees who assist in the transportation of students on school buses. The bill requires each school board employee who assists in the transportation of students with autism spectrum disorders on school buses to participate in such training program.

*Patron - Hanger*

**SB238 Collection of student demographic data; prohibition.** Prohibits local school boards from requiring a student or his parent to disclose information related to the student's race or ethnicity unless (i) the student or his parent is given an option to designate "other" for the student's race or ethnicity or (ii) such disclosure is required by federal law.

*Patron - DeSteph*

**SB273 Public schools; instructional time.** Requires local school boards to provide (i) a minimum of 680 hours of instructional time to students in elementary school, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and (ii) a minimum of 375 hours of instructional time to students in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science. The bill authorizes local school boards to include and requires the Board of Education to accept, for elementary school, unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time or teaching hours. This bill is identical to HB 1419.

*Patron - Petersen*

**SB343 School boards; employment of certain individuals.** Permits any school board to employ an individual who, at the time of the individual's hiring, has been convicted of a felony, provided that such individual (i) was employed in good standing by a school board on or before December 17, 2015; (ii) has been granted a simple pardon for such offense by the Governor or other appropriate authority; and (iii) has had his civil rights restored by the Governor or other appropriate authority. This bill is identical to HB 1000. This bill received Governor's recommendations.

*Patron - Peake*

**SB349 Teacher licensure.** Makes several changes to the teacher licensure process, including (i) permitting teachers with a valid out-of-state license, with full credentials and without deficiencies, to receive licensure by reciprocity without passing additional licensing assessments and (ii) permitting a local school board or division superintendent to waive certain licensure requirements for any individual who holds a provisional license and is employed by the local school board. This bill incorporates SB 257, SB 409, SB 548, SB 549, SB 551, SB 558, SB 723, and SB 863 and is identical to HB 1125.

*Patron - Peake*

**SB361 School board of the City of Norfolk; salaries of appointed members.** Eliminates the cap on the annual salary that the school board of the City of Norfolk may pay its appointed members. Beginning July 1, 2018, all members of such school board will be elected members. Salaries of elected

school board members are subject to the same limitations as salaries of members of local governing bodies. This bill is identical to HB 779.

*Patron - Spruill*

**SB557 School bus operators; training.** Requires any school bus operator applicant who does not possess a commercial driver's license to receive (i) a minimum of 24 hours of classroom training and (ii) six hours of behind-the-wheel training on a school bus that contains no pupil passengers and requires any school bus operator applicant who possesses a commercial driver's license to receive (a) a minimum of four hours of classroom training and (b) three hours of behind-the-wheel training on a school bus that contains no pupil passengers. Current law leaves the setting of such hourly requirements to the Department of Education. The bill contains technical amendments. This bill is identical to HB 810.

*Patron - Hanger*

**SB605 Elementary and secondary schools; sexual misconduct.** Requires the Department of Education and local school boards to adopt policies to implement the provisions of federal law that prohibit any local school board or any individual who is an employee, contractor, or agent of a local school board from assisting an employee, contractor, or agent of such local school board in obtaining a new job if such local school board or individual knows or has probable cause to believe that the employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of law. This bill is identical to HB 438.

*Patron - Ebbin*

**SB658 Literary Fund; application for loans by regional and joint schools.** Clarifies that school boards of school divisions participating in a regional or joint school may jointly apply to the Board of Education for a loan from the Literary Fund to benefit the regional or joint school.

*Patron - Wagner*

**SB664 Graduation requirements; clock hours.** Requires the Board of Education, in its graduation requirements, to permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

*Patron - McPike*

**SB775 Public schools; military children; tuition.** Prohibits the child of a person on active military duty who is attending school for free from being charged tuition upon such child's relocation pursuant to orders his parent received to relocate to a new duty station or to be deployed. The bill allows the child to remain enrolled in the current school division free of tuition through the end of the school year. The bill also prohibits the child of a person on active military duty who is eligible to attend a school for free from being charged tuition by a school division that will be that child's school division of residence upon such child's service member parent's relocation to the jurisdiction for that school division pursuant to orders received.

*Patron - Locke*

**SB840 Local school boards; school meal policies.** Requires each local school board to adopt policies that (i) prohibit school board employees from requiring a student who cannot pay for a meal at school or who owes a school meal debt to do chores or other work to pay for such meals or wear a wristband or hand stamp and (ii) require school board employees to direct any communication relating to a school meal debt to the student's parent, which may be made by a letter addressed to the parent to be sent home with the student. This bill is identical to HB 50.

*Patron - Favola*

**[P]SB841 Truancy; procedures.** Makes several changes to the procedures relating to interventions when a pupil fails to report to school for a total of five scheduled school days for the school year, no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, including (i) removing the appointed attendance officer as a party to the plan to resolve such nonattendance, (ii) permitting but not requiring the attendance officer to participate in the conference necessitated by additional absences subsequent to the development of the plan, and (iii) permitting but not requiring the attendance officer to file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of supervision or to institute criminal proceedings against the parent pursuant to relevant law. Under current law, the attendance officer is required to participate in such conference and is also required to file such complaint and institute such proceedings in cases in which the pupil is absent for an additional school day without indication that the pupil's parent is aware of and supports the pupil's absence. This bill is identical to HB 1485.

*Patron - Favola*

**[P]SB953 Health instruction; mental health.** Requires health instruction to incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. The bill also directs the Board of Education to review and update the health Standards of Learning for students in grades nine and 10 to include mental health. This bill is identical to HB 1604.

*Patron - Deeds*

**[P]SB960 High School to Work Partnerships; establishment; exemptions.** Permits each local school board to (i) establish High School to Work Partnerships (Partnerships) between public high schools and local businesses to create opportunities for high school students to (a) participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or (b) tour local businesses and meet with owners and employees or (ii) delegate the authority to establish Partnerships to the local school division's career and technical education administrator or his designee, in collaboration with the guidance counselor office of each public high school in the school division. The bill requires such local school boards to educate high school students about opportunities available through such Partnerships. The bill also requires the Board of Education, the Department of Labor and Industry, and the State Board for Community Colleges to identify Partnerships that may be eligible for exemptions from certain federal and state labor laws and regulations and establish procedures by which such exemptions may be obtained for such Partnerships. This bill is identical to HB 544.

*Patron - Suetterlein*

**[P]SB961 Public schools; homeless children.** Aligns provisions regarding when a homeless child or youth is deemed to reside in a school division with Subtitle VII-B of the federal McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C. § 11431 et seq.) and updates references to such Act.

*Patron - Mason*

## Failed

**[F]HB13 Instructional positions; students identified as having limited English proficiency.** Requires state funding to be provided pursuant to the general appropriation act to support 20 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency. Current law requires state funding to support 17 such positions for each 1,000 such students.

*Patron - Kory*

**[F]HB15 Alternative student discipline; assault and battery without bodily injury.** Requires a principal to first take appropriate alternative disciplinary action or determine that no such appropriate alternative disciplinary action exists before referring to the local law-enforcement agency student incidents of assault and assault and battery without bodily injury.

*Patron - Mullin*

**[F]HB36 School calendar; opening day of the school year.** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

*Patron - Kory*

**[F]HB38 School calendar; opening day of the school year.** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

*Patron - Habeeb*

**[F]HB44 High school family life education curricula; law and meaning of consent.** 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 law and meaning of consent, including instruction that increases student awareness of the fact that consent is required before sexual activity. Under current law, such elements are permitted but not required to be incorporated into such curricula.

*Patron - Filler-Corn*

**[F]HB90 Teacher grievance procedures; hearing; three-member fact-finding panel.** 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 advanced written notice to the teacher of the time and place of such hearing.

*Patron - Bell, John J.*

**[F]HB109 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 2019 Regular Session of the General Assembly.

*Patron - Delaney*

**[F]HB121 Department of Education; community schools.** Requires the Department of Education to establish an interagency task force composed of state and local agencies and entities in the areas of early childhood development, health, social services, community engagement, family engagement, higher education, and workforce development for the purpose of developing a program for the establishment of community schools whereby public elementary and secondary schools serve as centers for the provision of such community programs and services to students and their families as may be necessary on the basis of the unique needs of the student population to be served. The bill requires such program to include a process by which school boards and community partnerships may apply to the Department of Education to designate an ele-

mentary or secondary school in the local school division as a community school. The bill also establishes a special nonreverting fund in the state treasury for the purpose of providing planning grants for school boards and community partnerships that seek to apply to the Department of Education through such program for community school designation.

*Patron - Rasoul*

**HB159 Local school boards; family life education curricula.** Requires each local school board to implement a comprehensive, sequential family life education curriculum in grades kindergarten through 12 that is consistent with the family life education Standards of Learning or curriculum guidelines developed by the Board of Education and removes from such standards and guidelines the requirement for instruction in the benefits, challenges, responsibilities, and value of marriage for men, women, children, and communities; abstinence education; the value of postponing sexual activity; and the benefits of adoption as a positive choice in the event of an unwanted pregnancy.

*Patron - Rasoul*

**HB168 Class size limits; grades six through 12; science laboratory classes.** Establishes a maximum class size of 24 students in science laboratory classes in grades six through 12.

*Patron - Murphy*

**HB176 Department of Education; pilot program; feasibility of educational placement transition of certain students with disabilities.** Requires the Department of Education to develop and implement a pilot program in two local school divisions in the Commonwealth to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting.

*Patron - Bell, Richard P.*

**HB224 Public school buses; seat belts.** Requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2036, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

*Patron - Krizek*

**HB251 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, P.L. 89-10, as amended.

*Patron - Guzman*

**HB252 High school staffing; mental health counselors.** Requires each school board to employ at least one mental health counselor per 250 students in each high school in the local school division.

*Patron - Guzman*

**HB253 Special education aides; caseload.** Provides that the maximum caseload for each full-time special education aide is five students.

*Patron - Guzman*

**HB255 Public Preschool Fund and Grant Program.** Establishes the Public Preschool Fund and Grant Program for the purpose of funding and providing on a competitive basis grants to local school boards to establish and maintain public preschool programs for children who reside in the local school division and who will have reached their fourth birthday on or before September 30 of the relevant school year. The bill requires the Department of Education to administer the Public Preschool Grant Program and establish (i) guidelines and procedures for grant applications, awards, and renewals; (ii) standards for preschool programs established and maintained by grant recipients, including standards for curriculum, student achievement, attendance, instruction, personnel, and length of school day and school year; and (iii) data collection and reporting requirements for grant recipients. The bill requires the Department of Education to give priority to grant applicants who propose a plan for the innovative use of facilities in the local school division to house the proposed public preschool program, including community centers and recreation centers.

*Patron - Guzman*

**HB296 Public schools; student discipline.** Prohibits students in preschool through grade three from being suspended or expelled except for drug offenses, firearm offenses, or certain criminal acts.

*Patron - Bell, Richard P.*

**HB305 Standards of Quality funding; 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, 2018, 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*

**HB317 Three-year provisional licenses; extensions.** Permits the Board of Education to extend, for up to two additional years, the three-year provisional license of any teacher who requires additional time to satisfy the requirements for a renewable license.

*Patron - Ward*

**HB318 Teacher licensure by reciprocity; grace period.** Permits teachers with a valid out-of-state license, with full credentials and without deficiencies, to teach in a public

elementary or secondary school in the Commonwealth for up to one school year prior to applying for licensure by reciprocity.

*Patron - Ward*

**[F]HB319 Virginia Preschool Initiative; enrollment.** Permits any local school board to offer any slots in its Virginia Preschool Initiative program that remain unfilled by at-risk students after initial enrollment to students who reside in the school division and meet the age requirements but do not qualify as at-risk and to charge a fee for such enrollment.

*Patron - Bourne*

**[F]HB320 Teacher licensure; prerequisites.** Eliminates the requirements that teachers seeking initial licensure or renewal of a license (i) demonstrate proficiency in the use of educational technology for instruction and (ii) receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments.

*Patron - Ward*

**[F]HB334 Provisional teacher licensure; grace period.** Allows an individual who seeks a provisional teacher license to satisfy certain licensure requirements, such as demonstrating proficiency in the use of educational technology for instruction and completing study in child abuse recognition and intervention, during the first year of provisional licensure. Current law requires that such licensure requirements be met prior to the granting of a provisional teacher license.

*Patron - Ward*

**[F]HB336 Students with blindness or visual impairment.** Makes several changes relating to the provisions for special education programs for students with blindness or visual impairment, including (i) requiring each local school board to provide instruction in Braille and the use of Braille for such students unless the student's Individualized Education Program (IEP) team determines, after a critical assessment of the student, that instruction in Braille or the use of Braille is not appropriate to the student's educational needs and (ii) requiring a critical assessment to be administered to each student with blindness or visual impairment triannually and after any significant change in the student's vision. The bill defines "critical assessment" as an assessment of a student with blindness or visual impairment conducted by a licensed Teacher of the Visually Impaired that includes (a) a functional vision assessment conducted in an educational setting; (b) an assessment of reading media that is designed for and intended to be administered to students, is administered in the student's native language and in accordance with any instructions, and contains appropriate objective components such as font size, sustained reading speed, and fluency; (c) an assessment of the student's reading comprehension and writing skills; and (d) consideration of the student's current and future needs, including consideration of the student's current and future technology support needs.

*Patron - Cole*

**[F]HB349 Pupil information; military recruiters; opt-out.** Prohibits the principal of a public elementary or secondary school from furnishing or permitting the furnishing of the name, address, and telephone listing of a presently or formerly enrolled pupil to an official recruiting representative of the Armed Forces of the United States or the Commonwealth without the written consent of such pupil or, if the pupil is less than 18 years of age, his parent if such pupil or his parent has submitted to the school board a written request to opt out of such disclosures.

*Patron - Kory*

**[F]HB350 Full-day kindergarten program plans.** Requires each local school board that does not offer a universal full-day kindergarten (FDK) program for each kindergarten student in the school division to develop and implement a plan

to fund and phase in a universal FDK program for each kindergarten student in the school division and submit the plan to the General Assembly in advance of the 2019 Regular Session of the General Assembly. The bill requires such plan to identify the number and percentage of students enrolled in FDK in the local school division (i) during the 2014-2015 school year and (ii) at the end of 2017, the specific steps for full implementation of the plan, impediments to full implementation of the plan, the areas in which support from the Commonwealth is necessary to achieve full implementation of the plan, and lessons learned from previous or ongoing efforts to provide a universal FDK program that can be shared with other local school boards that do not offer a universal FDK program.

*Patron - Reid*

**[F]HB354 School calendar; opening day of the school year.** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

*Patron - Reid*

**[F]HB380 Grow Your Own Teacher Program Fund; Grow Your Own Teacher Programs.** Establishes the Grow Your Own Teacher Program Fund and permits the Department of Education to award grants from such fund to local school boards to establish Grow Your Own Teacher Programs whereby the local school board provides scholarships not to exceed \$7,500 per academic year for attendance at a baccalaureate institution of higher education in the Commonwealth to any individual who (i) graduated from a public high school in the local school division; (ii) was eligible for free or reduced price lunch throughout the individual's attendance at a public high school in the local school division; and (iii) commits to teach, within three years of graduating from the baccalaureate institution of higher education in the Commonwealth and for a period of at least four years, in the school division at a public high school at which at least 50 percent of students qualify for free or reduced price lunch. The bill provides that in the event that any program scholarship recipient fails or refuses to comply with such teaching obligation, the sum of all scholarship funds received by such individual shall be converted to a loan that is subject to repayment with interest.

*Patron - Krizek*

**[F]HB388 Substitute teachers; duration of teaching period.** Permits temporarily employed teachers to substitute for a contracted teacher for a temporary period not to exceed 125 teaching days during the contracted teacher's absence.

*Patron - Boysko*

**[F]HB390 High school graduation; certificates of program completion.** Requires each student who has completed a course of study in accordance with the Standards of Quality and finishes his senior year in good academic standing to be awarded a certificate of program completion by the local school board if he is not eligible to receive a Board of Education-approved diploma. Under current law, such students are required to complete a prescribed course of study as defined by the local school board. The bill requires each local school board to permit each such student to participate in his high school graduation or commencement ceremony.

*Patron - Keam*

**[F]HB420 Model exit questionnaire for teachers; statewide implementation.** Requires each local school board to administer the model exit questionnaire for teachers developed by the Superintendent of Public Instruction to each teacher who ceases to be employed in the school division for any reason and to collect, maintain, and report on the results of each such questionnaire in a manner that ensures the confidentiality of each teacher's name and other personally identifying information. Under current law, such model exit questionnaire

for teachers is administered in five school divisions pursuant to a pilot program.

*Patron - Turpin*

**HB423 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 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 - Gooditis*

**HB445 School principals; incident reports.** Eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement.

*Patron - Carroll Foy*

**HB496 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, 2023.

*Patron - Bell, Robert B.*

**HB497 Students who receive home instruction; dual enrollment courses.** Requires each school board to permit any student who receives home instruction and resides in the local school division to apply for enrollment as a part-time student of the local school division in any dual enrollment course offered pursuant to an agreement for postsecondary degree attainment at a public high school in the local school division or at the comprehensive community college. The bill specifies that no such student shall be required to pay more in tuition or fees than the tuition or fees paid by public school students or the school division of residence on behalf of such students to enroll in such course.

*Patron - Bell, Robert B.*

**HB521 Virtual Virginia; enrollment.** Requires enrollment in the Virtual Virginia online learning program during the school year to be open, on a space-available basis and free of charge, to each public high school student in the Commonwealth and each high school student in the Commonwealth who receives home instruction.

*Patron - Bell, Robert B.*

**HB537 Standards of Learning assessments; administration; testing periods.** Requires the Department of Educa-

tion to make available to school divisions Standards of Learning assessments in advance of each school year; requires each local school board to administer such assessments (i) on the date during the first quarter of the school year that the local school board deems most appropriate to evaluate each student's knowledge, application of knowledge, critical thinking, and skills related to the Standard of Learning being assessed and (ii) on the date during the final quarter of the school year that the local school board deems most appropriate to evaluate each student's progress toward demonstrating the knowledge, application of knowledge, critical thinking, and skills related to the Standard of Learning being assessed; and permits each local school board to administer such assessments on any other date that it deems appropriate.

*Patron - Freitas*

**HB542 Dual enrollment agreements; scope.** Requires each agreement for postsecondary degree attainment between a local school board and a comprehensive community college to include a process by which high school students who reside in a school division that is governed by a school board that is not a party to such agreement may apply for enrollment in the dual enrollment courses offered pursuant to such agreement.

*Patron - Freitas*

**HB576 High school graduation requirements; substitution of computer coding credit for foreign language credit.** Requires the Board of Education, in establishing high school graduation requirements, to provide for the substitution of computer coding course credit for any foreign language course credit required to graduate, except in cases in which such foreign language course credit is required to earn an advanced diploma offered by a nationally recognized provider of college-level courses.

*Patron - Davis*

**HB652 School Divisions of Innovation; performance-based assessments.** Provides that a local school board applying for its school division to be designated as a School Division of Innovation may apply to the Board of Education (Board) to replace certain Standards of Learning assessments with performance-based assessments. The bill requires the Board to determine if the local school board has the capacity to administer and score performance-based assessments and provides criteria for such determination. Under the bill, any proposed performance-based assessment is required to be an adequate replacement of the relevant Standards of Learning assessment by requiring that students demonstrate the knowledge and skills required by the relevant Standards of Learning and one or more of critical thinking, creativity, collaboration, communication, or citizenship. The standards of learning assessments eligible for replacement are (i) Virginia Studies, (ii) Civics and Economics, (iii) elementary school science, and (iv) middle school science. The bill requires the Board to promulgate any necessary regulations and to submit to the U.S. Department of Education any necessary amendments to its consolidated State plan.

*Patron - Murphy*

**HB687 Virginia Public School Improvement Program.** Creates the Virginia Public School Improvement Program to offer maximum educational options and flexibility for parents, teachers, and students. The bill authorizes any local school board to designate or approve any public school within its school division to participate in the Program if (i) a majority of parents and teachers of students at the school have petitioned the school board to participate in the Program, (ii) it does not meet the requirements to be fully accredited, or (iii) the school's pass rates for English and mathematics are below the division-wide average. Local school boards would continue to receive state basic school aid funding for participating schools, and participating schools would be exempt from certain school division policies and state regulations but would have to meet Standards of Quality, Standards of Learning, Standards of Accreditation, and certain federal requirements. Participation in the Program can be rescinded (a) by petition of

a majority of parents and teachers, (b) if the school makes application to operate as a charter school, (c) if the school violates the stipulated contract with the local school board, or (d) if students at a participating school fail to achieve satisfactory academic progress each year for two consecutive school years. The bill requires the Board of Education to establish guidelines to assist school boards in implementing the Program in the school division and provide technical assistance to school boards upon request.

*Patron - McQuinn*

**[HB688 Student discipline; alternative education programs.]** Requires local school boards to provide alternative education programs for suspended students.

*Patron - McQuinn*

**[HB694 School board policies; homework assignments; Internet connection.]** Requires each school board to establish a policy to prohibit any teacher in the school division from assigning to any student a homework assignment that requires the use of an Internet connection that is capable of transmitting information at a rate that is not less than 256 kilobits per second in at least one direction when such student lacks meaningful access to such an Internet connection.

*Patron - Poindexter*

**[HB735 Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.]** Requires the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, to (i) select, with input from an advisory committee that the bill establishes, language development milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

*Patron - Carr*

**[HB740 Department of Education; task force; cyber centers of excellence.]** Requires the Department of Education to establish and appoint members to a task force for the purpose of establishing a program and standards for the designation of any public middle school or high school in the Commonwealth as a cyber center of excellence. The bill requires such program and standards to, at minimum, (i) establish a competitive process by which local school boards may apply to the Department of Education to designate any middle school or high school in the local school division as a cyber center of excellence and (ii) require applicants to demonstrate the ability to (a) provide high-quality programs and curricula for the development of the computer skills of enrolled students, (b) identify enrolled students with an aptitude for such programs and curricula, and (c) assist such students in developing their computer skills in order to be better prepared to meet the Commonwealth's growing demand and unmet need for cybersecurity professionals. The bill requires the task force to create and distribute to each local school board guidelines, procedures, and best practices for applications for the designation of schools as cyber centers of excellence.

*Patron - McGuire*

**[HB791 School personnel; staffing ratios; school nurses.]** Excludes school nurse positions from requirements for student support positions and instead requires each local school

board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.

*Patron - Pogge*

**[HB808 Standards of Learning assessments; scoring.]** Requires the Department of Education, in scoring each individual Standards of Learning assessment, to utilize the highest score achieved by the student on each section of the assessment during any administration of the assessment.

*Patron - O'Quinn*

**[HB827 School buses; extended warning signs.]** Requires the Board of Education to (i) promulgate regulations requiring any new public school bus placed into service on or after July 1, 2018, to be equipped with an extended warning sign that works in conjunction with the existing warning sign and extends into the lane of travel immediately adjacent to the bus to the left of the bus driver and (ii) determine the feasibility and effectiveness of requiring that public school buses placed into service prior to July 1, 2018, be equipped with such extended warning signs.

*Patron - Bell, Robert B.*

**[HB831 Virtual Virginia; availability.]** Requires the Virtual Virginia program, established by the Department of Education, to be made available to all public middle and high schools. The bill provides that such program may be made available to all public elementary schools. Under current law, Virtual Virginia is required to be made available to public high schools only. The bill also replaces the term "statewide electronic classroom" with "online learning program" to more accurately reflect the Virtual Virginia program.

*Patron - Bagby*

**[HB937 High school graduation requirements; Standards of Learning assessments.]** Permits any high school student who has earned the verified units of credit required to graduate with a standard diploma or advanced diploma to opt out of participation in any additional Standards of Learning assessment, unless granting such student's request to opt out of participation would result in the school's failure to meet any state or federal testing participation rate requirements.

*Patron - Lopez*

**[HB980 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, P.L. 89-10, as amended.

*Patron - Rodman*

**[HB1020 School calendar; opening day of the school year.]** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

*Patron - Adams, L.R.*

**[HB1046 School personnel; staffing ratios; school nurses.]** Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division and at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.

*Patron - Torian*

**[HB1111 Science, technology, engineering, arts, and mathematics (STEAM) programs; grants.]** Establishes the STEAM Education Fund for the purpose of awarding grants in amounts not to exceed \$50,000 annually to any public elemen-

tary or secondary school in the Commonwealth at which at least 25 percent of students qualify for free or reduced lunch that provides an academic class, curriculum, or activity focused on a science, technology, engineering, arts, or mathematics (STEAM) discipline.

*Patron - Tran*

**[FHB1116 Student voters; Virginia voter registration.]** Requires each public high school and public institution of higher education to provide to any enrolled student who is of voting age or otherwise eligible to register to vote access to Virginia voter registration information and applications.

*Patron - VanValkenburg*

**[FHB1118 SAT School Day Fund and Program established.]** Establishes the SAT School Day Fund (the Fund) and requires the Board of Education to establish and maintain the SAT School Day Program (the Program) whereby the Board utilizes funds made available through the Fund to enter into a contract with the College Board to enable each public high school junior in the Commonwealth to participate in the SAT free of charge during a select school day.

*Patron - VanValkenburg*

**[FHB1119 Superintendent of Public Instruction; school climate survey.]** Requires the Superintendent of Public Instruction to develop and make available annually to each public elementary and secondary school teacher in the Commonwealth a voluntary and anonymous school climate survey to evaluate school-level teaching conditions and the impact such conditions have on teacher retention and student achievement. The bill requires such survey to include questions regarding school leadership, teacher leadership, teacher autonomy, demands on teachers' time, student conduct management, professional development, instructional practices and support, new teacher support, community engagement and support, and facilities and other resources.

*Patron - VanValkenburg*

**[FHB1127 Career and technical education; three-year licenses; eligibility and requirements.]** Makes changes to three-year career and technical education teacher licenses by (i) removing the cap on licensee teaching hours and permitting licensees to teach up to full time, (ii) expanding eligibility for such licenses to any individual who has at least two years of experience as a teaching assistant in the school division in the specific career and technical education subject area in which the individual seeks to teach and meets all other applicable eligibility criteria, and (iii) increasing from one year to two years the period during which the employing school board is required to assign a mentor to supervise a licensee.

*Patron - Landes*

**[FHB1161 Teacher grievance procedures; hearing; three-member fact-finding panel.]** 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 a third impartial member selected by the other two panel members. Under current law, the school board has the option of appointing a hearing officer or conducting such hearing itself.

*Patron - Simon*

**[FHB1162 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, P.L. 89-10, as amended. The bill requires the Department of Education to calculate any potential or realized savings from the implementation of the bill and to report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and Senate Committee on Finance by November 1, 2019. Such amount shall be included in the total for Direct Aid to Public Education in any general appropriation act for fiscal years 2021 and 2022.

*Patron - Pillion*

**[FHB1168 Family life education programs; student participation.]** Prohibits any public elementary or secondary school student from participating in any family life education program without the prior written consent of his parent.

*Patron - LaRock*

**[FHB1176 Commission on the Future of Public Elementary and Secondary Education established.]** Establishes the 20-member Commission on the Future of Public Elementary and Secondary Education (the Commission), consisting of seven members of the House Committee on Education, six members of the Senate, five nonlegislative citizen members, the Superintendent of Public Instruction or his designee, and the Secretary of Education or his designee, for the purpose of ensuring a deliberate, thoughtful, coordinated, and year-round approach to legislative education reform in the Commonwealth. The bill requires the Commission to (i) collaborate with the Board of Education, the Department of Education, the Standards of Learning Innovation Committee, and other interested stakeholders to study (a) the need for revisions to or reorganization of the Standards of Quality with a particular emphasis on the effective use of educational technology, (b) emerging education issues in the Commonwealth, and (c) the future of public elementary and secondary education in the Commonwealth and (ii) establish and appoint members from a variety of stakeholder organizations to subcommittees in distinct subject matter areas. The provisions of the bill sunset on July 1, 2021.

*Patron - Landes*

**[FHB1223 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 requires such standards to be taught in grades K through 12.

*Patron - Rodman*

**[FHB1254 School personnel; staffing ratios; school nurses.]** Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division and at least one full-time equivalent school nurse position per 1,000 students in grades kindergarten through 12.

*Patron - Thomas*

**[FHB1278 School Divisions of Innovation; performance-based assessments.]** Provides that a local school board applying for its school division to be designated as a School Division of Innovation may apply to the Board of Education (Board) to replace certain Standards of Learning assessments with performance-based assessments. The bill requires the Board to determine if the local school board has the capacity to administer and score performance-based assessments and provides criteria for such determination. Under the bill, any proposed performance-based assessment is required to be an adequate replacement of the relevant Standards of Learning assessment by requiring that students demonstrate the knowledge and skills required by the relevant Standards of Learning and one or more of critical thinking, creativity, collaboration, communication, or citizenship. The standards of learning assessments eligible for replacement are (i) Virginia Studies, (ii) Civics and Economics, (iii) elementary school science, and (iv) middle school science. The bill requires the Board to promulgate any necessary regulations and to submit to the U.S. Department of Education any necessary amendments to its consolidated state plan.

*Patron - LaRock*

**[FHB1286 Parental Choice Education Savings Accounts established.]** Permits the parents of certain children to apply to the school division in which the child resides for a one-year, renewable Parental Choice Education Savings



Account that consists of an amount that is equivalent to a certain percentage of all applicable annual Standards of Quality per pupil state funds appropriated for public school purposes and apportioned to the resident school division in which the student resides, including the per pupil share of state sales tax funding in basic aid and any state per pupil share of special education funding for which the student is eligible. The bill permits the parent to use the moneys in such account for certain education-related expenses of the student, including tuition, deposits, fees, and required textbooks at a private elementary school or secondary school that is located in the Commonwealth. The bill also contains provisions relating to auditing, rescinding, and reviewing expenses made from such accounts.

*Patron - LaRock*

**HB1380 Maximum class sizes; grades four through six.** Reduces from 35 to 29 the maximum class size in grades four through six.

*Patron - Robinson*

**HB1416 Teacher licensure; trade and industrial waiver and career and technical license.** Extends the term of the waiver of the teacher licensure requirements that a division superintendent may apply to the Board of Education for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program and removes the requirement that such individual has at least 4,000 hours of recent and relevant employment experience. The bill also removes requirements that an individual seeking a three-year career and technical license (i) has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach and (ii) has obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Board.

*Patron - Edmunds*

**HB1431 Public School Capital Grant Program established.** Requires the Virginia Public Building Authority to establish and administer the Public School Capital Grant Program (the Program) for the purpose of providing grants on a competitive basis to any local school board that governs a local school division in a locality that is determined to have high fiscal stress by the Virginia Commission on Local Government in its most recent "Report on the Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia Counties and Cities" for such school board to use for school building capital renovation or construction projects. The bill caps each Program grant at \$10 million and requires local matching funds for each such grant.

*Patron - Bell, Richard P.*

**HB1434 Menstrual supplies; certain school buildings.** Requires each school board to make tampons and pads available at all times and at no cost to students in the bathrooms of each facility that it owns, leases, or otherwise controls that houses a public school at which any student in grades six through 12 is enrolled.

*Patron - Keam*

**HB1477 School boards; school meals; practices.** Establishes several requirements relating to school meals, including requiring each school board to (i) require each public elementary and secondary school in the local school division to participate in the federal National School Lunch Program and the federal School Breakfast Program administered by the U.S. Department of Agriculture and to make meals available pursuant to such programs to any student who requests such a meal, regardless of such student's family income or whether such student has the money to pay for the meal or owes money for meals previously provided, unless the student's parent has provided written permission to the school board to withhold such a meal from the student, and (ii) adopt policies prohibiting any school employee from (a) requiring a student to throw away a meal after the meal has been served because the student does

not have the money to pay for the meal or owes money for a meal previously provided and (b) requiring a student who does not have the money to pay for a meal or who owes money for a meal previously provided to do chores or other work to pay for the meal.

*Patron - Roem*

**HB1501 Standards of Learning Innovation Committee; adoption of recommendations.** Requires an affirmative vote by a majority of the members in attendance at a meeting of the Standards of Learning Innovation Committee (the Committee) for the Committee to adopt any recommendations. Current law requires an affirmative vote by a majority of the legislative members in attendance and a majority of non-legislative members in attendance at a meeting for the Committee to adopt any recommendations.

*Patron - Hurst*

**HB1502 Advanced Placement and International Baccalaureate Testing Grant Fund and Program; establishment.** Establishes the Advanced Placement and International Baccalaureate Testing Grant Fund and Program, to be administered by the Department of Education, for the purpose of awarding grants to local school boards to be used to cover half of the fee required to participate in any Advanced Placement or International Baccalaureate test for any high school student in the local school division who receives free or reduced price lunch. The bill requires the Department of Education to establish guidelines and procedures for application for and disbursement of such grants. The bill requires local school boards to use such grant funds to supplement, not supplant, any other federal, state, local, or private funds made available to cover such testing fees for high school students who receive free or reduced price lunch.

*Patron - Miyares*

**HB1504 Virtual Virginia; enrollment.** Requires enrollment in the Virtual Virginia online learning program during the school year to be open, on a space-available basis, to each public high school student in the Commonwealth and each high school student in the Commonwealth who receives home instruction.

*Patron - Cline*

**HB1508 School boards; qualified instructional positions and support services positions; additional funding.** Declares it to be the policy of the Commonwealth that school boards that are unable to fund the total amount required by the locality's composite index of local ability to pay to reach the prevailing funded salary for (i) qualified instructional positions funded under the Standards of Quality, as set out in Direct Aid to Public Education in the general appropriation act, and (ii) support services positions shall receive, to the extent practicable, state funds for qualified instructional positions and support services positions in addition to those state funds that the school board receives for public school purposes.

*Patron - Adams, L.R.*

**HB1576 Local ability to pay; certain counties.** Provides that if a county contains a school division composed of a town, the county's composite index shall be calculated as if the school division were not in the county. Under current law as provided in the general appropriation act, the composite index of local ability to pay is used to calculate each locality's share of basic aid funding for education.

*Patron - Peace*

**HB1577 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 for a hearing by a teacher recommended for dismissal.

*Patron - Kory*

**HB1578 School boards; school buildings; potable water; lead testing.** Requires each local school board's plan for testing potable water sources in school buildings to provide for such testing as often as is required of the supplying public water system by the Virginia Department of Health's Office of Drinking Water pursuant to regulations established in accordance with the federal Safe Drinking Water Act. The bill requires such plan and the results of each test conducted pursuant to such plan to be posted on the local school board's website and reported to the Virginia Department of Health. The bill provides that if the results of any test conducted in accordance with the plan indicate a level of lead in the potable water that is at or above 20 parts per billion, the school board shall develop, implement, post on its website, and report to the Virginia Department of Health a plan to remediate the level of lead in the potable water to below 20 parts per billion and confirm such remediation by retesting the water at two consecutive six-month intervals, consistent with the federal Safe Drinking Water Act.

*Patron - Kory*

**HB1579 Public schools; online courses and virtual programs.** Provides that no student shall be charged tuition or fees for enrolling in any online course or virtual program that is required or is offered by the school division in which he resides. The bill provides that no local school board can offer and no student can be required to take any online course or virtual program unless every student enrolled in the course is provided or offered, free of charge, a computer or other electronic device necessary to take the course. Further, the bill provides an exception for the high school graduation requirement to take a virtual course if such requirements are not met.

*Patron - Kory*

**SB80 State School Health Advisory Board.** Establishes the State School Health Advisory Board in the executive branch to advise the General Assembly and the Governor on pending or proposed legislation concerning the role of employees in public elementary or secondary schools in providing health care services at such schools and to provide guidance on any associated training requirements. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Favola*

**SB107 Dual enrollment courses; quality standards; universal transfer course credit.** Requires the State Council of Higher Education for Virginia (the Council), in consultation with the Department of Education and each public institution of higher education, to establish (i) quality standards for dual enrollment courses, including quality standards for course instructors, materials, and content; (ii) a process by which dual enrollment courses that meet or exceed such quality standards are certified as universal transfer courses that satisfy course credit or other academic requirements at any public institution of higher education; and (iii) a policy for the satisfaction of course credit or other academic requirements through the successful completion of universal transfer courses by entering students that (a) identifies the course credit or other academic

requirements of each public institution of higher education that the student satisfies by successfully completing a universal transfer course and (b) ensures, to the extent possible, that the satisfaction of course credit or other academic requirements is consistent across each public institution of higher education and each such universal transfer course. The provisions of the bill replace existing provisions that require the Council and each public institution of higher education to establish policies relating to course credit for dual enrollment courses but that do not provide for quality standards or the universal transfer designation for such courses. This bill was incorporated into SB 631.

*Patron - Suetterlein*

**SB169 Public schools; robotics team competition program.** Requires any nonprofit corporation founded in 1913 that currently organizes and governs interscholastic activities among the public high schools to establish, by July 1, 2021, a varsity level robotics team competition program that includes state championships.

*Patron - Stanley*

**SB190 Substitute teachers; duration of teaching period.** Permits temporarily employed teachers to substitute for a contracted teacher for a temporary period not to exceed 125 teaching days during the contracted teacher's absence.

*Patron - Favola*

**SB257 Three-year provisional licenses; extensions.** Requires the Board of Education to extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license. This bill was incorporated into SB 349.

*Patron - Suetterlein*

**SB261 Standards of Quality; staffing requirements.** Provides that a local school board that is required to employ two full-time librarians for any middle school or high school may meet such requirement by employing two full-time librarians or one full-time librarian and one full-time media specialist or instructional resource teacher. The bill also provides that a local school board that is required to employ a full-time school-based clerical person for the library for any middle school or high school may meet such requirement by employing one full-time school-based clerical person for the library, for instruction, or for assessment or career planning, or by employing one full-time classroom instructional assistant.

*Patron - Suetterlein*

**SB270 School property; unrecorded encumbrances.** Provides that whenever a school board or governing body acquires real property for the purpose of constructing a school facility, the real property shall not be subjected to or restricted by any unrecorded covenants, equitable servitudes, or other encumbrances unless such school board or governing body had actual notice of such.

*Patron - Black*

**SB274 Public schools; kindergarten instructional time.** Increases from 540 hours to 990 hours the minimum instructional hours in a school year for students in kindergarten. The bill directs the Board of Education to promulgate regulations by July 1, 2020, 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, 2020.

*Patron - Barker*

**SB300 School calendar; opening day of the school year.** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement

and "good cause" scenarios for which the Board of Education may grant waivers of this requirement.

*Patron - Favola*

**SB302 School Divisions of Innovation; performance-based assessments.** Provides that a local school board applying for its school division to be designated as a School Division of Innovation may apply to the Board of Education (Board) to replace certain Standards of Learning assessments with performance-based assessments. The bill requires the Board to determine if the local school board has the capacity to administer and score performance-based assessments and provides criteria for such determination. Under the bill, any proposed performance-based assessment is required to be an adequate replacement of the relevant Standards of Learning assessment by requiring that students demonstrate the knowledge and skills required by the relevant Standards of Learning and one or more of critical thinking, creativity, collaboration, communication, or citizenship. The standards of learning assessments eligible for replacement are (i) Virginia Studies, (ii) Civics and Economics, (iii) elementary school science, and (iv) middle school science. The bill requires the Board to promulgate any necessary regulations and to submit to the U.S. Department of Education any necessary amendments to its consolidated state plan.

*Patron - Favola*

**SB303 Public schools; tobacco products and nicotine vapor products.** Requires each school board to (i) develop and implement a policy to prohibit the use of tobacco products and nicotine vapor products on a school bus, on school property, or at a school-sponsored activity and (ii) include in its code of student conduct a prohibition against possessing tobacco products or nicotine vapor products on a school bus, on school property, or at a school-sponsored activity.

*Patron - Marsden*

**SB401 Department of Environmental Quality; Department of Education; grade six science curriculum.** Directs the Department of Environmental Quality and the Department of Education to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse.

*Patron - Lewis*

**SB409 Teacher licensure; waiver of professional teacher assessments.** Provides that a local school board or division superintendent may waive the requirements to complete professional teacher's assessments for any individual who holds a provisional license and is employed by the local school board. The bill provides that such individual is eligible for a five-year renewable license provided all other requirements are met. This bill was incorporated into SB 349.

*Patron - McDougle*

**SB425 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 requires such standards to be taught in grades K through 12.

*Patron - Wexton*

**SB437 School Divisions of Innovation; performance-based assessments.** Provides that a local school board applying for its school division to be designated as a School Division of Innovation may apply to the Board of Education (Board) to replace certain Standards of Learning assessments with performance-based assessments. The bill requires the Board to determine if the local school board has the capacity to administer and score performance-based assessments and provides criteria for such determination. Under the bill, any proposed performance-based assessment is required to be an

adequate replacement of the relevant Standards of Learning assessment by requiring that students demonstrate the knowledge and skills required by the relevant Standards of Learning and one or more of critical thinking, creativity, collaboration, communication, or citizenship. The standards of learning assessments eligible for replacement are (i) Virginia Studies, (ii) Civics and Economics, (iii) elementary school science, and (iv) middle school science. The bill requires the Board to promulgate any necessary regulations and to submit to the U.S. Department of Education any necessary amendments to its consolidated state plan.

*Patron - Wexton*

**SB440 Local school boards; prior authorization for legal action.** Narrows the restriction, to appointed school boards, that a local school board receive prior authorization from the local governing body prior to instituting any legal action or proceeding against any other governmental agency in Virginia. Under current law, the restriction applies to all school boards regardless of selection method.

*Patron - Wexton*

**SB456 Superintendent of Public Instruction; school personnel survey.** Requires the Superintendent of Public Instruction to develop and administer biennially to individuals holding a license from the Department of Education a voluntary and anonymous school personnel survey to evaluate school-level teaching conditions and the impact such conditions have on teacher retention and student achievement. The bill requires such survey to include questions regarding school leadership, teacher leadership, teacher autonomy, demands on teachers' time, student conduct management, professional development, instructional practices and support, new teacher support, community engagement and support, and facilities and other resources. The bill requires the Superintendent of Public Instruction to report the results of the survey to the House Committees on Appropriations and Education and to the Senate Committees on Finance and Education and Health.

*Patron - McClellan*

**SB491 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, P.L. 89-10, as amended. The bill requires the Department of Education to calculate any potential or realized savings from the implementation of the bill and to report the amount of such savings to the Governor and the Chairmen of the House Committee on Appropriations and Senate Committee on Finance by November 1, 2019. Such amount shall be included in the total for Direct Aid to Public Education in any general appropriation act for fiscal years 2021 and 2022.

*Patron - Sturtevant*

**SB548 Three-year provisional licenses; extensions.** Permits the Board of Education to extend, for up to two additional years, the three-year provisional license of any teacher who requires additional time to satisfy the requirements for a renewable license. This bill was incorporated into SB 349.

*Patron - Dunnivant*

**SB549 Teacher licensure by reciprocity; grace period.** Permits teachers with a valid out-of-state license, with full credentials and without deficiencies, to teach in a public elementary or secondary school in the Commonwealth for up to one school year prior to applying for licensure by reciprocity. This bill was incorporated into SB 349.

*Patron - Dunnivant*

**SB551 Teacher licensure; prerequisites.** Eliminates the requirements that teachers seeking initial licensure or renewal of a license (i) demonstrate proficiency in the use of educational technology for instruction and (ii) receive professional development in instructional methods tailored to promote student academic progress and effective preparation for

the Standards of Learning end-of-course and end-of-grade assessments. This bill was incorporated into SB 349.

*Patron - Dunnavant*

**SB558 Provisional teacher licensure; grace period.** Allows an individual who seeks a provisional teacher license to satisfy certain licensure requirements, such as demonstrating proficiency in the use of educational technology for instruction and completing study in child abuse recognition and intervention, during the period of provisional licensure. Current law requires that such licensure requirements be met prior to the granting of a provisional teacher license. This bill was incorporated into SB 349.

*Patron - Dunnavant*

**SB723 Teacher licensure; trade and industrial waiver and career and technical license.** Extends the term of the waiver of the teacher licensure requirements that a division superintendent may apply to the Board of Education for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program and removes the requirement that such individual has at least 4,000 hours of recent and relevant employment experience. The bill also removes requirements that an individual seeking a three-year career and technical license (i) has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach and (ii) has obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Board. This bill was incorporated into SB 349.

*Patron - Peake*

**SB738 Commission on the Future of Public Elementary and Secondary Education established.** Establishes the 21-member Commission on the Future of Public Elementary and Secondary Education (the Commission), consisting of seven members of the House Committee on Education, seven members of the Senate, five nonlegislative citizen members, the Superintendent of Public Instruction or his designee, and the Secretary of Education or his designee, for the purpose of ensuring a deliberate, thoughtful, coordinated, and year-round approach to legislative education reform in the Commonwealth. The bill requires the Commission to (i) collaborate with the Board of Education, the Department of Education, the Standards of Learning Innovation Committee, and other interested stakeholders to study (a) the need for revisions to or reorganization of the Standards of Quality with a particular emphasis on the effective use of educational technology, (b) emerging education issues in the Commonwealth, and (c) the future of public elementary and secondary education in the Commonwealth and (ii) establish and appoint members from a variety of stakeholder organizations to subcommittees in distinct subject matter areas. The provisions of the bill sunset on July 1, 2021, and are contingent on funding in a general appropriation act.

*Patron - Newman*

**SB785 Access to electronic textbooks and adequate connectivity.** Prohibits local school boards from 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 on or before July 1, 2020, (i) each student enrolled in such course will have actual access at school and, if any assignment requires the use of such electronic textbook outside of school hours, in his residence to at least one personal computing device not shared with another student that contains an operating system and the hardware necessary to support the format of each electronic textbook expected to be used in such course and (ii) the relevant school has adequate connectivity, which the bill defines as bandwidth of at least one megabit per second per enrolled student.

*Patron - Surovell*

**SB786 Public schools; Planning District 8; online courses and virtual programs.** Prohibits any student who

resides in Planning District 8 and is eligible for free or reduced price meals in the federally funded lunch program from being charged fees for enrolling in any online course or virtual program that is required or is offered by the school division in which he resides and requires such enrolled students to be provided, free of charge, a computer or other electronic device necessary to take the course or program.

*Patron - Surovell*

**SB787 Governor's Schools; enrollment.** Requires any academic school Governor's School that has a focus on math, science, and technology and that has an overall enrollment of over 1,000 students to accept for enrollment (i) a sufficient number of students eligible to receive free or reduced price meals such that the total of such students is at least 50 percent of the weighted average of the participating divisions' percentage of such students in the previous school year and (ii) at least five students but no more than 15 students from each middle school in each school division eligible to matriculate students to such Governor's school who have completed at least two full years at such middle school.

*Patron - Surovell*

**SB789 Family life education; sexually explicit communications and images.** Requires the Board of Education to include in its guidelines for a family life education curriculum instruction as appropriate for the age of the student regarding the dangers and repercussions of using electronic means or social media to (i) engage in sexually explicit communications or (ii) send or display sexually explicit images. This bill was incorporated into SB 101.

*Patron - Surovell*

**SB843 Family life education; medically accurate information.** Requires the curriculum guidelines established by the Board of Education on family life education to include instruction in medically accurate information on human reproduction. This bill was incorporated into SB 101.

*Patron - Favola*

**SB863 Teacher licensure; alternate route.** Requires the Board of Education to include in its regulations for teacher licensure an alternate route to licensure for elementary education preK-6 and an alternate route to licensure for special education general curriculum K-12. The bill requires each such alternate route to licensure to require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the content areas prescribed by the Board. This bill was incorporated into SB 349.

*Patron - Sturtevant*

**SB914 School calendar; opening day of the school year.** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill 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 2017-2018 school year, to close all schools in the division from (i) the Thursday immediately preceding Labor Day through Labor Day or (ii) the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day.

*Patron - Chase*

**SB928 School boards; employment of certain individuals; certain contracts.** Prohibits any school board from employing any individual who has been convicted of any felony or crime of moral turpitude, unless such individual (i) was previously employed in good standing by any school board, has been granted a simple pardon by the Governor, and, in the case of a felon, has had his civil rights restored by the Governor or (ii) is employed in good standing by the school board on

July 1, 2018. The bill provides that, notwithstanding the foregoing provisions, in no case shall any school board employ any individual who has been convicted of a certain felony involving the manufacture, sale, distribution, or possession with intent to sell, give, or distribute any controlled substance, imitation controlled substance, or marijuana on certain school property; any felony offense against a child; a certain act of violence or violent felony; or any offense for which registration on the Sex Offender and Crimes Against Minors Registry is required. The bill contains similar provisions for each contractor who seeks to be awarded a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours or during school-sponsored activities.

*Patron - Obenshain*

**[F]SB969 High school graduation requirements; verified credits.** Requires the Board of Education, in establishing high school graduation requirements, to require students to earn one verified credit in history and social science by (i) the successful completion of a Board-developed end-of-course Standards of Learning assessment; (ii) achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; or (iii) achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed a corresponding Standards of Learning assessment. The bill prohibits such end-of-course Standards of Learning assessment from being a performance-based assessment.

*Patron - Newman*

## Carried Over

**[C]HB330 Public elementary and secondary school students; topical sunscreen.** Permits any public elementary or secondary school student to possess and use unscented topical sunscreen in its original packaging on a school bus, on school property, or at a school-sponsored event without a note or prescription from a licensed health care professional if the topical sunscreen is approved by the U.S. Food and Drug Administration for nonprescription use for the purpose of limiting damage to skin caused by exposure to ultraviolet light. The bill contains an emergency clause.

*Patron - Yancey*

**[C]HB372 School calendar; opening day of the school year.** Makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill 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 2017-2018 school year, to close all schools in the division from (i) the Thursday immediately preceding Labor Day through Labor Day or (ii) the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day.

*Patron - Robinson*

**[C]HB670 Required local effort for basic aid; debt service on projects in certain school divisions.** Permits any local school board that governs a school division (i) in which the locality is designated as fiscally at-risk or fiscally distressed by the Appalachian Regional Commission in the most recent fiscal year or is determined to have above-average fiscal stress or high fiscal stress by the Virginia Commission on Local Government in its most recent "Report on the Comparative Revenue Capacity, Revenue Effort, and Fiscal Stress of Virginia Counties and Cities" and (ii) for which the composite index of local ability to pay is less than or equal to 0.2000 to expend up to 25 percent of the required local effort for basic aid for debt

service on school building capital renovation or construction projects. The bill provides that in the event that the school division no longer meets such criteria, the local school board shall develop and implement a plan to readjust expenditures of the required local effort for basic aid over the course of no more than four fiscal years. The bill also provides that in the event that a school division that no longer met such criteria and that developed such plan subsequently meets the criteria again, the local school board may seek the approval of the Superintendent of Public Instruction to amend such plan. The bill has an expiration date of July 1, 2030.

*Patron - Kilgore*

**[C]HB676 Children who are deaf or hard of hearing; services; advisory subcommittee.** Declares it the goal of the Commonwealth that each child who is deaf or hard of hearing is (i) as linguistically ready for kindergarten as his peers who are not deaf or hard of hearing and (ii) receptively and expressively literate in English and literate in written English by the end of third grade. The bill requires each agency of the Commonwealth that is responsible for providing services to children who are deaf or hard of hearing to collaborate to provide unified and seamless services for each such child from the onset of the Early Hearing Detection and Intervention process through the end of his elementary and secondary school career. The bill also establishes a 14-member Deaf and Hard-of-Hearing Children's Advisory Subcommittee within the Disability Commission to advise the Commission on the provision of services in the Commonwealth for children who are deaf or hard of hearing.

*Patron - Pogge*

**[C]HB809 Local school boards; display of commercial advertising material on school buses.** Permits local school boards to display commercial advertising material on the sides of school buses between the rear wheels and the rear of the bus, provided that no such material (i) obstructs the name of the school division or the number of the school bus, (ii) is sexually explicit, or (iii) pertains to alcohol; food or beverages that do not meet the nutrition standards developed by the U.S. Department of Agriculture pursuant to the federal Healthy, Hunger-Free Kids Act of 2010 or any additional state or local nutrition standards for food or beverages sold to students in school; gambling; politics; or tobacco.

*Patron - O'Quinn*

**[C]HB1320 Department of Education; division-level performance assessments; resource guide.** Requires the Department of Education to develop and distribute to each local school division a resource guide on the local development and implementation of performance assessments that includes (i) detailed recommendations for methods of ensuring (a) the quality, validity, and reliability of such assessments, such as assurances, sampling, and auditing, and (b) the alignment of such assessments with the desired student outcomes of critical thinking, creative thinking, collaboration, communication, and citizenship and (ii) a collection of division-level performance assessment exemplars.

*Patron - Habeeb*

**[C]SB160 Language development for children who are deaf or hard of hearing; assessment resources for parents and educators; advisory committee; report.** Requires the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, to (i) select, with input from an advisory committee that the bill establishes, language development milestones and include such milestones in a resource for use by parents of a child from birth to age five who is identified as deaf or hard of hearing to monitor and track their child's expressive and receptive language acquisition and developmental stages toward English literacy; (ii) disseminate such resource to such parents; (iii) select existing tools or assessments for educators for use in assessing the language and literacy development of children from birth to age five who are deaf or hard of hearing; (iv) disseminate such tools or assessments to local educational agencies and provide materials and training on their use; and (v) annually produce a

report that compares the language and literacy development of children from birth to age five who are deaf or hard of hearing with the language and literacy development of their peers who are not deaf or hard of hearing and make such report available to the public on its website.

*Patron - Edwards*

**☐SB366 School personnel; staffing ratios; school nurses.** Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.

*Patron - Stuart*

**☐SB476 School principals; incident reports.** Provides that school principals are not required to report criminal misdemeanors or status offenses to law enforcement if in the principal's discretion, based on a totality of the circumstances and consistent with Board of Education guidelines, such report is not warranted. The bill requires the Board of Education, in consultation with the Department of Juvenile Justice, the Office of the Attorney General, and any interested stakeholders, to update its Student Conduct Policy Guidelines to provide guidance for principals in exercising such discretion.

*Patron - Reeves*

**☐SB516 Public schools; regional charter school divisions.** Authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school.

*Patron - Obenshain*

**☐SB537 Education; computation of composite index; land-use assessment value.** Requires the General Assembly to modify the current standards of quality funding formula and calculation of composite index of local ability to pay to incorporate within the real estate indicator of local wealth the land-use assessment value for those properties located within a land-use plan.

*Patron - Hanger*

**☐SB713 Standards of Quality; mathematics intervention services.** Requires local school divisions to identify students in grades 10, 11, and 12 who are at risk of graduating without the necessary skills to take college-level mathematics coursework, as demonstrated by their individual performance on a Standards of Learning assessment, the PreACT, PSAT/NMSQT, ACT, or SAT, the Virginia Placement Test, or any diagnostic test that has been approved by the Department and to provide mathematics intervention services to such students. The bill requires such intervention services to be aligned with the developmental math curriculum offered by the Virginia Community College System and provides that local school divisions may partner with a local comprehensive community college to provide such intervention services.

*Patron - Dunnivant*

**☐SB865 Standards of Quality; reading diagnostic tests.** Requires that the first reading diagnostic test administered to a student in kindergarten through grade three include a

rapid alphabet naming component and that local school divisions report the results of reading diagnostic tests to parents, including subset scores.

*Patron - Black*

**☐SB880 Local ability to pay; certain counties.** Requires that the composite index of local ability to pay for any county within which there is a school division composed of a town be calculated as if there were no such school division composed of a town within the county.

*Patron - Stuart*

**☐SB936 Standards of Achievement Career and Technical Education Committee; established.** Directs the Board of Education to establish the Standards of Achievement Career and Technical Education Committee (Committee) to make recommendations to the General Assembly and the Board of Education to facilitate the development of career and technical education Standards of Achievement, including accreditation standards, assessment testing, and course content and curriculum for participating schools, with a focus on (i) rigorous standards and course content and curriculum that align workforce skills with industry-recognized standards; (ii) robust business and industry engagement and responsiveness to labor market needs; (iii) strategies to remove the stigma from career and technical education, including early exposure to career options and life skills; (iv) work-based learning and apprenticeships; (v) innovative high school models; and (vi) leveraging existing resources and programs in the Commonwealth. The Committee shall identify any necessary changes to statutory and regulatory provisions, including existing requirements regarding (a) instructional programs; (b) instructional, administrative, and support personnel; (c) accreditation; (d) assessments; (e) graduation requirements; (f) teacher licensure; and (g) dual enrollment. The bill requires the Committee to report its findings and recommendation to the General Assembly and the Board of Education by November 1, 2018.

*Patron - Wagner*

**☐SB975 Department of Education; pilot program; feasibility of educational placement transition of certain students with disabilities.** Requires the Department of Education to develop and implement a pilot program in two local school divisions in the Commonwealth to partner with the appropriate school board employees in each such local school division to (i) identify the resources, services, and supports required by each student who resides in each such local school division and who is educated in a private school setting pursuant to his Individualized Education Program; (ii) study the feasibility of transitioning each such student from his private school setting to an appropriate public school setting in the local school division and providing the identified resources, services, and supports in such public school setting; and (iii) recommend a process for redirecting federal, state, and local funds, including funds provided pursuant to the Children's Services Act, provided for the education of each such student to the local school division for the purpose of providing the identified resources, services, and supports in the appropriate public school setting.

*Patron - Vogel*

## Elections

### Passed

**☐HB28 Voter registration list maintenance; due date of annual report.** Clarifies that the annual report made by the Department of Elections on its activities undertaken to maintain the Virginia voter registration system is due by October 1. The report is required to contain the methodology used in gathering and analyzing the report's data. The bill requires the Commissioner of Elections to certify that such data is accurate

and reliable. The bill further clarifies that information regarding the Department's list maintenance activities arising out of list comparisons with other states is to be included in this annual report.

*Patron - Cole*

**HB158 House of Delegates and Senate district boundaries.** Authorizes the General Assembly to make technical adjustments to legislative district boundaries subsequent to the decennial redistricting solely for the purpose of causing legislative district boundaries to coincide with local voting precinct boundaries. Any adjustment shall change districts only to the extent necessary to accomplish this purpose and shall be consistent with the criteria for districts established for the preceding decennial redistricting. This bill was vetoed by the Governor.

*Patron - Cole*

**HB397 Absentee voting; certain information not required when completing application in person.** Provides that a person completing an application for an absentee ballot in person is not required to provide the last four digits of his social security number on the application.

*Patron - Keam*

**HB690 General registrars; residency requirement; exemption for certain counties and cities.** Exempts counties and cities with a population of 25,000 or less from the requirement that a person appointed to serve as a general registrar must be a qualified voter of the county or city for which he is appointed. This bill is identical to SB 556.

*Patron - Simon*

**HB767 Election precincts not to be changed between certain dates.** Prohibits counties, cities, and towns from creating, dividing, abolishing, or consolidating any precincts or otherwise changing the boundaries of any precinct between February 1, 2019, and May 15, 2021, except in certain specified circumstances. Precinct ordinances may be adopted after January 1, 2021, but may not be implemented before May 15, 2021. This bill is identical to SB 983.

*Patron - Jones, S.C.*

**HB1144 Voter registration; persons assisting with the completion or collection of completed voter registration applications; certain identifying information required.** Requires any person who assists an applicant with the completion of a voter registration application or collects a completed voter registration application directly from an applicant to provide his name and telephone number and indicate the group or organization he is affiliated with, if any, on the registration application. The provisions of the bill do not apply to any state or local government employee who assists with the completion of registration applications or collects completed registration applications as part of his official duties. This bill received Governor's recommendations.

*Patron - Wilt*

**HB1167 Jury commissioners; lists of unqualified persons provided to general registrars.** Requires jury commissioners to collect the information obtained from those persons not qualified to serve as jurors as a result of (i) not being a citizen of the United States, (ii) no longer being a resident of the Commonwealth, (iii) being a resident of another county or city in the Commonwealth, (iv) having been convicted of a felony and not having had voting rights restored, or (v) having been adjudicated incapacitated and disqualified to vote and not having had voting rights restored. The bill authorizes the sheriff, clerk of court, or other official responsible for maintaining such information provided by the commissioners to enter into an agreement with the general registrar for the locality to make that information available to that general registrar. The bill also requires the general registrars to use the information received to identify voters who are no longer qualified to vote and to initiate list maintenance procedures pursuant to current law. The

bill has a delayed effective date of July 1, 2019. This bill was vetoed by the Governor.

*Patron - LaRock*

**HB1390 Bond referenda; authorizing counties to make bond issuance contingent on enactment of a food and beverage tax.** Authorizes counties to enact ordinances providing that bonds shall be repaid from food and beverage tax revenues. The bill provides that if a county enacts such an ordinance, the referendum submitted to the voters shall include as a single question the issuance of bonds and the enactment of a food and beverage tax. Under current law, the questions of bond issuance and tax enactment are submitted as separate ballot questions.

*Patron - Aird*

**HB1598 Standards and criteria for congressional and state legislative districts.** Provides criteria by which congressional and state legislative districts are to be drawn, including equal population, racial and ethnic fairness, respect for existing political boundaries, contiguity, compactness, and communities of interest. The criteria set out would apply to those districts drawn following the 2020 United States Census and thereafter. This bill is identical to SB 106. This bill received Governor's recommendations.

*Patron - Jones, S.C.*

**SB106 Standards and criteria for congressional and state legislative districts.** Provides criteria by which congressional and state legislative districts are to be drawn, including equal population, racial and ethnic fairness, respect for existing political boundaries, contiguity, compactness, and communities of interest. The criteria set out would apply to those districts drawn following the 2020 United States Census and thereafter. This bill incorporates SB 718, SB 740, and SB 752 and is identical to HB 1598. This bill received Governor's recommendations.

*Patron - Suetterlein*

**SB130 Elections; removal and revision of obsolete provisions.** Repeals and revises several obsolete elections-related statutes. This bill is a recommendation of the Virginia Code Commission.

*Patron - Edwards*

**SB150 Elections; ascertainment of results by the electoral board; write-in votes.** Changes one of the criteria for determining when an electoral board is required to ascertain the total votes for each write-in candidate for an office from when less than five percent of the total number of votes cast for that office are write-in votes to when less than 10 percent of the total number of votes cast for that office are write-in votes.

*Patron - Edwards*

**SB152 Assistants to general registrars; full-time status.** Clarifies that when determining the number of assistant registrars to serve in the office of the general registrar, the electoral board may include any to serve full-time. Currently, Russell County is required to have at least one full-time assistant registrar; counties and cities with populations exceeding 15,500 are required to have at least one part-time assistant registrar; and counties and cities with populations less than 15,500 are required to have at least one substitute registrar. The bill does not amend any of those mandates.

*Patron - Edwards*

**SB153 Elections; form of ballot; order of independent candidates.** Defines "time of filing for the office" for purposes of determining the order on the ballot of independent candidates as the time at which the candidate has filed his petition signature pages with a number of signatures at least equal to the number required by law for the office for which he is seeking election. For offices for which no petition is required, the "time of filing for the office" is defined as the time at which



the candidate has filed his completed statement of qualification.

*Patron - Edwards*

**SB264 Campaign Finance Disclosure Act of 2006; campaign committees; electronic filing requirement.** Requires candidates for the General Assembly and candidates for local and constitutional office in localities with a population of more than 70,000 to file their campaign finance reports with the State Board of Elections by computer or other electronic means in accordance with standards approved by the State Board of Elections.

*Patron - Suetterlein*

**SB379 Office of the general registrar; open five days a week.** Provides that the office of the general registrar in all counties and cities is to be open a minimum of five days a week. Under current law, counties with a population of less than 10,000 and cities with a population of less than 7,500 are required to be open a minimum of three days a week, and additional days may be required by the general appropriation act. This bill incorporates SB 151.

*Patron - Chafin*

**SB474 Elections; status of officers of election.** Provides that localities may retain officers of election as independent contractors.

*Patron - Reeves*

**SB521 Reports of registered voters and persons voting at elections.** Requires local electoral boards to direct general registrars to investigate the list of registered voters whenever the number of registered voters in a county or city exceeds the population of persons age 18 or older, based on the most recent population estimate of the Weldon Cooper Center for Public Service of the University of Virginia. The bill also requires the local electoral boards to direct the general registrars to investigate the list of persons voting at an election whenever the number of persons voting at any election in a county or city exceeds the number of persons registered to vote in that county or city. The Department of Elections is required to provide certain data to any general registrar conducting such an investigation for the registrar's use during the investigation. The bill requires local electoral boards to make reports of the findings to the State Board of Elections and requires such reports to be made public. This bill was vetoed by the Governor.

*Patron - Obenshain*

**SB556 General registrars; residency requirement; exemption for certain counties and cities.** Exempts counties and cities with a population of 25,000 or less from the requirement that a person appointed to serve as a general registrar must be a qualified voter of the county or city for which he is appointed. This bill is identical to HB 690.

*Patron - Mason*

**SB589 Election day page program.** Permits participants in the election day page program to assist in the counting of unmarked ballots at any time, at the direction and under the direct supervision of the chief officer of election. Currently, election pages are only permitted to assist in the counting of unmarked ballots prior to the opening of the polls.

*Patron - Ebbin*

**SB739 Campaign finance; with whom former candidates file reports.** Requires certain former candidates who are no longer seeking election but have not yet filed a final report as required by law and who file reports in nonelectronic format to file with the general registrar of the locality in which the candidate sought office. In the case of a former candidate for a local or constitutional office who is no longer seeking election but has not yet filed a final report as required by law and who files reports electronically, the State Board is required to promptly notify the general registrar of the locality in which

the candidate sought office and to make the information contained in the report available to such general registrar.

*Patron - Ebbin*

**SB834 Voter registration list maintenance; voters identified as registered in multiple states.** Requires the Department of Elections to provide to the general registrars a list of registered voters who have been found through list comparisons and data-matching exchanges with other states to be registered in another state. This bill received Governor's recommendations.

*Patron - Chafin*

**SB983 Election precincts not to be changed between certain dates.** Prohibits counties, cities, and towns from creating, dividing, abolishing, or consolidating any precincts or otherwise changing the boundaries of any precinct between February 1, 2019, and May 15, 2021, except in certain specified circumstances. Precinct ordinances may be adopted after January 1, 2021, but may not be implemented before May 15, 2021. This bill incorporates SB 322 and SB 522 and is identical to HB 767.

*Patron - Obenshain*

## Failed

**HB5 Campaign finance; prohibited personal use; penalty.** Prohibits the conversion of any contributed moneys, securities, or like intangible personal property by any person to the personal use of a candidate or member of the candidate's immediate family or an intimate partner of the candidate or a member of the candidate's immediate family if (i) such use yields a grossly disproportionate and unreasonable benefit to the recipient or candidate relative to the benefit realized by the candidate's campaign or public office, (ii) the fair market value of converted property grossly exceeds the benefit realized by the candidate's campaign or public office, (iii) a reasonable and prudent person would not ordinarily authorize such expenditure as beneficial to the campaign, and (iv) such use is made with a knowing, willing, reckless, or negligent disregard for the financial interests of the campaign. Complaints of alleged violations may be made by any person to the State Board of Elections. The subject of the complaint has 30 days to provide to the State Board documentation or other evidence that the use of campaign funds was permissible. The State Board shall call a hearing if it determines, after reviewing any response made by the subject of the complaint, that the use of campaign funds was impermissible. A person found by the State Board to have willfully and knowingly violated this section shall repay to the campaign committee the amount unlawfully converted. The State Board may also assess an additional civil penalty, in an amount not to exceed the amount unlawfully converted. Complaints may be declared factually meritless by the State Board when, viewing the facts in the light most favorable to the complaining party, it finds there is no credible allegation of a violation and such complaints shall be exempt from public disclosure for a period of time immediately preceding an election.

*Patron - Simon*

**HB7 Campaign finance; prohibited personal use.** Prohibits any person from converting any moneys, securities, or like intangible personal property contributed to a candidate or a candidate's campaign committee to his personal use, the personal use of the candidate, or the personal use of a member of the candidate's immediate family. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office. "Personal use" does not include the ordinary and accepted expenses related to campaigning for or holding elective office.

*Patron - Simon*

**HB57 Absentee voting; no excuse.** Allows any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section.

*Patron - Herring*

**HB74 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*

**HB92 Absentee voting; eligibility of certain caregivers.** Entitles a person to vote absentee if he is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled individual who is confined at home. Currently, such caregivers are entitled to vote absentee only if the ill or disabled individual who is confined at home is a family member of the caregiver.

*Patron - Sullivan*

**HB99 Presidential electors; National Popular Vote Compact.** Enters Virginia into an interstate compact known as the Agreement Among the States to Elect the President by National Popular Vote. Article II of the United States Constitution gives the states exclusive and plenary authority to decide the manner of awarding their electoral votes. Under the compact, Virginia agrees to award its electoral votes to the presidential ticket that receives the most popular votes in all 50 states and the District of Columbia. The compact goes into effect when states cumulatively possessing a majority of the electoral votes have joined the compact. A state may withdraw from the compact; however, a withdrawal occurring within six months of the end of a President's term shall not become effective until a President or Vice President has qualified to serve the next term.

*Patron - Simon*

**HB122 Campaign finance; prohibited personal use; civil penalty.** Adds a definition of "personal use" and prohibits the use of contributions, or conversions of items acquired using contributions, to a candidate or campaign committee for a strictly personal purpose with no intended, reasonable, or foreseeable benefit to the candidate's campaign or public office. Complaints of alleged violations may be made to the State Board of Elections (State Board) by any person who contributed to the candidate or candidate's campaign committee. The subject of the complaint has 30 days to either (i) reimburse the campaign committee the complained-of amount or (ii) provide to the State Board documentation or other evidence that the use of the campaign funds had an intended, reasonable, or foreseeable benefit to the campaign or the candidate's public office. If the subject of the complaint provides such documentation or other evidence, the State Board shall review the response made by the subject of the complaint, and determine whether the use of campaign funds had any intended, reasonable, or foreseeable benefit to the campaign or the candidate's public office. The bill amends the Freedom of Information Act to allow

closed meetings for the State Board to review such complaints. If the State Board determines that there were no intended, reasonable, or foreseeable benefits and the complained-of amount has not been reimbursed, it shall call a public hearing. If the complaining party declines to participate in the hearing, the complaint shall be dismissed. A person found by a unanimous vote of the State Board to have willfully and knowingly violated the prohibition on personal use of campaign contributions must repay to the campaign committee the amount unlawfully converted to the personal use of the candidate or a member of the candidate's immediate family and must return to the complaining party the full amount of the complaining party's contribution to the campaign. The State Board may also assess an additional civil penalty, in an amount not to exceed \$ 250. The person found to be in violation may seek review under the Administrative Process Act. The bill authorizes the Virginia Conflict of Interest and Ethics Advisory Council (Council) to issue formal advisory opinions regarding the provisions governing the personal use of campaign funds pursuant to the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.). A person who has relied on such an opinion in good faith after he provides full disclosure of the facts will not be subject to the penalties outlined in the bill. In addition, the Council will be required to develop and publish guidance on the provisions of the Campaign Finance Disclosure Act that prohibit the personal use of campaign funds. The bill has an effective date of July 1, 2019.

*Patron - Cole*

**HB171 Voter registration; extended time for new United States citizens to register.** Allows a person who becomes a naturalized United States citizen after the close of registration records, and who is otherwise qualified to vote, to register to vote up to and including the day of the election. The bill requires the Department of Elections to prescribe procedures for the addition of persons registered under the provisions of the bill to the lists of registered voters.

*Patron - Filler-Corn*

**HB186 Absentee voting; persons age 65 or older.** Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.

*Patron - Hayes*

**HB191 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*

**HB194 Campaign finance; disclosure of all contributors.** Requires all campaign finance reports to itemize each contributor and disclose certain information regardless of the amount of the contribution. Currently, such disclosure is required only for contributors who have contributed in excess of an aggregated amount, depending on the committee making the report, within a period of time. The information included on required campaign finance reports is made available to the public via the State Board of Elections's campaign finance database.

*Patron - Yancey*

**HB205 Criteria for remedial redistricting plans.** Provides criteria by which congressional and state legislative districts are to be drawn when such districts have been declared unlawful or unconstitutional, in whole or in part, by order of any state or federal court.

*Patron - Sullivan*

**HB230 Vote by mail; pilot program.** Provides that the Department of Elections shall develop a pilot program for conducting elections by mail. In a vote by mail election, a bal-

lot is mailed to every registered voter and the ballots are returned by the voters by mailing the ballot to the office of the general registrar, by delivering the ballot in person to the office of the general registrar, or by depositing the ballot at a drop-off location. The bill requires participating localities to provide a report on the pilot program in its locality to the State Board by December 1 of each year in which it participates. The bill requires the State Board to submit a report to the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections on the pilot program, including a recommendation as to whether all elections in the Commonwealth should be conducted by mail. The bill has an expiration date of December 31, 2021.

*Patron - Rodman*

**HB263 Public financing of elections; Virginia Democracy Voucher Program.** Establishes the Virginia Democracy Voucher Program, by which every registered voter in the Commonwealth receives \$100 in Democracy Vouchers. The bill permits these vouchers to be assigned to and redeemed by any candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly who has been certified as qualified by the Department of Elections. The bill provides that candidates who wish to qualify for participation in the voucher program must receive a minimum number of qualifying contributions, defined in the bill as contributions of at least \$10 but not more than \$500 in the aggregate from any one person or entity in an election cycle, from residents of the Commonwealth and are required to comply with limits on campaign contributions and campaign spending.

*Patron - Simon*

**HB265 Election day; extending polling hours.** Extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill contains technical amendments.

*Patron - Turpin*

**HB268 Absentee voting; Intelligent Mail barcode required on return envelopes.** Requires an Intelligent Mail barcode be included on the return envelope provided to absentee voters for the return of the absentee ballot to the general registrar.

*Patron - Bell, John J.*

**HB272 Voter registration; notification of denial.** Requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within five days of the denial. Such notice may be made by all available means, including by telephone and email. The bill provides that if the general registrar is able to reach the applicant by telephone, any missing information may be provided and corrections may be made by the applicant by telephone. The bill requires the registration application to request that the applicant provide his telephone number and email address.

*Patron - Boysko*

**HB275 Voluntary public financing of certain campaigns.** Creates the Virginia Fair Elections Act (Act) of 2017, which establishes a program for administering public funds to qualified candidates for the purposes of campaigning for office. Funds are awarded as both a lump sum payment and as periodic matching payments for qualifying small contributions. Candidates who participate in the program are limited in the amount of money they may raise and spend for office. Participating candidates also commit to public debates with other participating candidates and to periodic reporting of contributions and expenditures. The bill establishes penalties for participating candidates who violate the provisions of the Act.

*Patron - Rasoul*

**HB276 Virginia Interim Redistricting Commission; criteria for remedial redistricting plans.** Provides for the establishment of the Virginia Interim Redistricting Commission (the Commission) when any congressional or state legisla-

tive 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*

**HB299 Localities to eliminate split precincts in congressional and state legislative districts; precinct changes prohibited for certain period.** Requires counties and cities to adjust local election district lines to congressional and state legislative district lines established by the General Assembly and requires that precincts be contained wholly within congressional or state legislative districts when a county, city, or town is divided between two or more such districts. The bill provides that a locality that is unable to comply with this requirement may apply to the State Board of Elections for a waiver to administer a split precinct. The State Board shall have the authority to grant the request or direct the locality to create a precinct with fewer than the required number of registered voters. The measure also prohibits counties, cities, and towns from creating, dividing, abolishing, or consolidating any precincts or otherwise changing the boundaries of any precinct between February 1, 2019, and May 15, 2021, except in certain specified circumstances. Precinct ordinances may be adopted after January 1, 2021, but may not be implemented before May 15, 2021.

*Patron - Watts*

**HB312 Special joint reapportionment committee; public hearings in 2018 on the redistricting process.** Requires a special joint reapportionment committee to be appointed to hold in 2018 a series of public hearings throughout the Commonwealth in order to encourage public input into and facilitate public participation in the redistricting process. The committee shall consist of eight members, reflecting equal membership from the political parties having the highest and next highest numbers of members in the General Assembly. The committee is required to submit to the General Assembly a summary and report of the public comment received at the hearings.

*Patron - Ward*

**HB356 Voter registration; notification of denial.** Requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within 10 days of the denial. Such notice is required to be made by all available means, including by telephone and email. The bill provides that if the general registrar is able to reach the applicant by telephone, any missing information may be provided and corrections may be made by the applicant by telephone. The bill requires the registration application to request that the applicant provide his telephone number and email address. The bill contains technical amendments.

*Patron - Reid*

**HB357 Ballots cast during court-ordered extended polling hours.** Provides that at an election without a federal office on the ballot, if the polling hours are extended by a court order, persons who are voting during the extended polling hours shall be permitted to vote a regular ballot. The bill requires that such persons be marked in the pollbook as having voted during the extended polling hours and that such ballots be kept separate from ballots cast during normal polling hours. Under current law, whenever polling hours are extended by a court order, ballots cast by persons who are voting during the extended polling hours are treated as provisional ballots. The bill makes this current law applicable only to elections with a federal office on the ballot, in accordance with the requirements of the Help America Vote Act of 2002.

*Patron - Reid*

**HB382 Voter precincts to be contained wholly within a congressional or state legislative district.** Provides that no precinct shall be split between congressional or state legislative districts where a county or city is divided between two or more such districts. Counties and cities are required immediately after decennial redistricting to establish precinct boundaries that meet this requirement. The local governing body is authorized to apply to the State Board of Elections for a waiver if the governing body concludes that it cannot meet the requirement in one or more instances. The State Board is authorized to grant the waiver if it concludes that the local governing body has presented clear and convincing evidence of its inability to meet the requirement. Alternatively, the State Board is authorized to direct the local governing body to establish precincts with fewer than the minimum number of required registered voters.

*Patron - Rasoul*

**HB403 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*

**HB427 Filling vacancies in the United States Senate.** Removes the language limiting the date at which a special election can be held to fill a vacancy occurring in the representation of the Commonwealth in the United States Senate. Currently, when such a vacancy occurs, the date for the special election to fill the vacancy is either the next November general election or the second next November general election. Current law also gives the Governor the authority to make a temporary appointment to fill such a vacancy; the bill removes that authority. The bill allows the Governor to immediately issue a writ to call an election upon receipt of written notification by a Senator or Senator-elect of his resignation, rather than wait for the vacancy to actually occur, and makes the Senator's or Senator-elect's resignation irrevocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election.

*Patron - Marshall*

**HB449 Voter registration; permitted up to and including election day.** Repeals the deadline for registering to vote in advance of an election and allows eligible voters to register at any time, including the day of the election. A person

who is eligible to vote, but is not registered, may register and be permitted to vote on election day by appearing in person at the polling place for the precinct of which he is a resident and (i) providing certain identifying information; (ii) signing a statement, subject to felony penalties, that he is a qualified voter of that precinct but for not being registered to vote; and (iii) providing proof of residency. Residency may be proven by presenting (a) his valid Virginia driver's license or other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States that contains a valid address in the precinct or (b) any document that contains a valid address in the precinct together with one of the forms of identification accepted for purposes of voting. The bill requires the State Board to provide instructions for the prompt addition of the voter to the Virginia voter registration system on the day of the election.

*Patron - Rodman*

**HB534 Method of nominating party candidates; repeal of incumbent selection.** Removes the power of General Assembly incumbents seeking reelection to determine the method of nomination. The bill also removes the requirement that a primary be the nomination method for incumbent officeholders, other than incumbent members of the General Assembly, under certain circumstances. 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*

**HB539 Costs of primary elections; payment by the proper political party.** Requires the proper political party committee to reimburse each county and city conducting a primary election at the direction of the Commonwealth. The bill also provides that the costs of presidential primary elections are to be paid by the proper political party rather than by the Commonwealth.

*Patron - Freitas*

**HB540 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 three 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 - Freitas*

**HB553 Elections for certain offices; ranked choice voting.** Provides that members of the United States Senate, United States House of Representatives, and General Assembly and the Governor, Lieutenant Governor, and Attorney General shall be elected by ranked choice voting, which the bill describes as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in sequential rounds in which last-place candidates are defeated, and (iii) the candidate with the most votes in the final round is elected.

*Patron - Freitas*

**HB562 Campaign finance; prohibited contributions to candidates.** Prohibits any candidate from soliciting or accepting a contribution from any public service corporation, as defined in § 56-1, or any political action committee established and administered by such a corporation.

*Patron - Roem*

**HB568 Election day; extending polling hours.** Extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill contains technical amendments.

*Patron - Gooditis*

**HB616 Congressional and legislative districts; certain prohibitions.** Prohibits any congressional district or district for the Senate of Virginia or House of Delegates from being drawn (i) for the purpose of favoring or disfavoring any political party, incumbent legislator or member of Congress, or potential candidate or (ii) to restrict or deny the ability of any racial or language minority to participate in the political process and elect a preferred candidate of choice.

*Patron - Price*

**HB628 Polling places; memorandum of understanding.** Directs the Attorney General to develop and make available a template memorandum of understanding to be used by the localities when establishing polling places. The bill allows governing bodies to enter into a memorandum of understanding with the entity or person authorized to grant the use of the facility as a polling place. Using the template prescribed by the Attorney General, the parties will specify the terms for use of the facility, including the hours and dates the facility is to be used, the availability of parking at the facility, and the defined space where the elections are to be conducted. Such memorandum of understanding shall be entered into for a period of five years, with the option to renew at the end of the fourth year. Upon the mutual agreement of the two parties, such memorandum of understanding shall be voided.

*Patron - Marshall*

**HB733 Absentee voting; no-excuse in-person available 21 days prior to election.** Allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to 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 on the forty-fifth 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 or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.

*Patron - Carr*

**HB784 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 ensure maximum competitiveness among the political parties present in the district or to ensure that racial or ethnic minorities can elect candidates of their choice.

*Patron - Keam*

**HB834 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*

**HB835 Absentee voting; no excuse required when voting in person.** Provides that any registered voter may vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason for being unable to vote in person on election day. The bill retains the statutory list of reasons allowing a voter to cast an absentee ballot by mail.

*Patron - Bagby*

**HB845 False statements during campaigns; civil penalty.** Prohibits a candidate from, with actual malice, sponsoring a political advertisement that contains a false statement of material fact, or otherwise making, publishing, disseminating, or circulating a false statement of material fact, about another candidate for the office to which the sponsoring candidate is seeking to be elected, if such statement is calculated to injure the targeted candidate or his candidacy. Any violation shall be proven by clear and convincing evidence, and, if so proven, a civil penalty of \$2,500 shall be assessed against the sponsoring candidate.

*Patron - Ingram*

**HB932 County manager plan; election of board members by instant runoff voting.** Provides that, in a county operating under the county manager plan of government, elections to nominate candidates for and to elect candidates to the board of supervisors may be conducted by instant runoff voting, which the bill describes as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in sequential rounds in which last-place candidates are defeated, and (iii) the candidate or candidates with the most votes in the final round are elected.

*Patron - Hope*

**HB944 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 bill requires the Department of Elections 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. The bill requires the Department to provide to the general registrars voter confirmation documents for such voters.

*Patron - Lopez*

**HB1042 Absentee voting; counting military and overseas absentee ballots received after close of polls on election day.** Provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. Under current law, such ballots cast by military and overseas absentee voters would be counted in this manner regardless of the date of any postmark, but only if the absentee ballot had been

requested on or before, but not sent by, the deadline for making absentee ballots available.

*Patron - Torian*

**[F]HB1058 Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots by electronic means; pilot program.** Requires the State Board of Elections to establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Under the pilot program, those uniformed-service voters shall be permitted to sign the military-overseas ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. The State Board is directed to request proposals for the development and maintenance of the system used for the pilot program and to provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The bill has an expiration date of July 1, 2020.

*Patron - Tran*

**[F]HB1067 Campaign Finance Disclosure Act of 2006; campaign committees; final report requirement.** Allows a candidate that is an incumbent office holder to maintain the campaign committee for the office currently held until he is elected to a different office.

*Patron - Heretick*

**[F]HB1072 Absentee voting; no excuse.** Allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section.

*Patron - Heretick*

**[F]HB1076 Polling place procedures; full name and current residence address of voter; requesting, providing, and announcing.** Requires the officer of election, when requesting the voter's his full name and current address, to inform him it may be provided orally or in writing. The bill provides that the voter may satisfy the requirement that he provide his name and address by presenting a form of identification that contains his full name and current residence address. The bill also removes the requirement that the officer of election repeat the voter's address.

*Patron - Filler-Corn*

**[F]HB1079 Voter identification; repeal of photo identification requirements.** Repeals the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding requirements for certain voters pursuant to the Help America Vote Act of 2002.

*Patron - McQuinn*

**[F]HB1112 Voter registration at the DMV; REAL ID compliant applications.** Provides that any person 17 years of age or older who comes into an office of the Department of Motor Vehicles to apply for, replace, or renew a driver's license or special identification card, the application for which satisfies the requirements of the REAL ID Act of 2005, shall have certain information electronically transferred by the Department of Motor Vehicles to the Department of Elections, unless he affirmatively declines to have his information so transmitted. The information to be transmitted includes the applicant's full name, date of birth, gender, residence address, citizenship status, driver's license number and social security number, digital signature, and telephone number and email address, if available. The bill requires the applicant to affirm, subject to felony penalties for making false statements, 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 transfer the information to the appropriate general registrar 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, to transmit the information to the appropriate general registrar. The bill does not change the process for registration at the Department of Motor Vehicles for persons not completing an application that satisfies the requirements of the REAL ID Act of 2005. The bill has a delayed effective date of January 1, 2019.

*Patron - Rasoul*

**[F]HB1129 Elections; voter-nominated open 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 nominate candidates for these offices by any nominating method, but they are permitted to otherwise contribute to, endorse, or support a candidate for these offices.

*Patron - Rasoul*

**[F]HB1134 Absentee voting; persons age 65 or older.** Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.

*Patron - Aird*

**[F]HB1139 Electronic return of voted military-overseas ballots; pilot program.** Directs the Commissioner of Elections to establish and supervise a pilot program by which an active duty member of a uniformed service who has been called to duty for deployment overseas and is a registered voter of a county or city participating in the pilot program may return his voted military-overseas ballot by electronic means. The Commissioner is required to promulgate standards and develop procedures for the secure transmission and return, storage, and processing of voted military-overseas ballots, including security measures, methods for verifying and authenticating a voter's identity, and encryption methods for the voted ballots. Counties and cities participating in the pilot program are required to participate in a security review after each election. In each year of the pilot program, the Commissioner is required to conduct a security assessment and update the security measures for the pilot program. The bill also requires that voters eligible to return their military-overseas ballots by electronic means through the pilot program be permitted to sign the statement of voter and any other documents related to absentee voting using the digital signature associated with their respective Common Access Cards issued by the U.S. Department of Defense. The pilot program is in effect for elections held on and after January 1, 2019. The Commissioner is required to submit a report on or before December 1, 2023, on the out-

comes of the pilot program and to include a recommendation whether to implement the electronic return of voted military-overseas ballots on a permanent, statewide basis. The bill has an expiration date of December 31, 2023.

*Patron - Landes*

**HB1216 Redistricting; Geographic Information System maps required; review by the Department of Elections.** Requires the clerk of the county, city, or town to send a Geographic Information System (GIS) map, along with the ordinance containing a description of the boundaries, to the local electoral board, the Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services when redistricting local election districts or making any changes to the local election districts or precincts. The bill requires the Department to review any ordinance and GIS map received and compare the boundaries contained within with the information in the voter registration system to ensure voters have been assigned to the correct districts and to direct any corrections to be made if necessary. The Department is further required to maintain and make available on its official website maps showing the current election district and precinct boundaries of each county and city.

*Patron - Sickles*

**HB1226 Post-election deadlines; provisional ballots and absentee ballots.** Extends from the third day after the election to the first Monday after the election the deadline by which a person voting provisionally due to lack of an accepted form of identification at the polling place has until to submit a copy of one of the accepted forms of identification to the electoral board in order to have his vote counted. The bill also provides that absentee ballots that are returned to the general registrar after the closing of the polls on election day but before noon on the first Monday after the election and that are post-marked on or before the date of the election shall be counted if the voter is found entitled to vote.

*Patron - Sickles*

**HB1250 Electoral boards and general registrars; direction by the State Board and Department of Elections.** Provides that the State Board of Elections, through the Department and the Commissioner of Elections, shall coordinate the work of the electoral boards, its members, and the general registrars to ensure compliance with all applicable state and federal laws and rules, regulations, and instructions of the State Board or Department. If it is determined that there has been a failure to comply with such laws or regulations or policies, the State Board, acting through the Commissioner of Elections or his designee, shall establish and implement, with the full cooperation of the electoral board or general registrar, a plan to correct the compliance failure. An official who is found to have negligently failed to comply is required to participate in a retraining program. In the case of a willful failure to comply, the State Board, through the Department and the Commissioner of Elections, is to institute removal proceedings in accordance with current law.

*Patron - Sickles*

**HB1345 Absentee voting; deadline for requesting a mailed absentee ballot.** Requires an application for a mailed absentee ballot to be made by 5:00 p.m. on the twelfth day prior to the election in which the applicant is offering to vote. Currently, such applications must be made by the seventh day prior to the election.

*Patron - Guzman*

**HB1381 Voter referendum; independent redistricting commission.** Provides for a statewide referendum on the question of whether there should be an independent redistricting commission established in Virginia for the purpose of drawing the district maps for the 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 2018 general election.

*Patron - Adams, D.M.*

**HB1405 State Board of Elections; membership; appointment of Commissioner of Elections.** Increases the membership of the State Board of Elections (Board) from three members to six members and increases the terms of Board members from four years to six years. Equal representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the last preceding gubernatorial election. Appointments are to be made with due consideration of geographical representation and no two Board members are to reside in the same congressional district. Terms are initially staggered. The bill also grants to the Board the authority to appoint and remove the Commissioner of Elections, subject to confirmation by the General Assembly, to head the Department of Elections and to act as the principal administrative officer. The appointment or removal of the Commissioner shall require an affirmative vote of five of the six Board members. The bill requires the Board to submit an annual report to the Governor and the General Assembly. The bill has a delayed effective date of January 1, 2019.

*Patron - Ransone*

**HB1496 Voter identification; free voter photo identification cards provided by the Department of Motor Vehicles.** Requires the Department of Motor Vehicles (DMV) to provide voter photo identification cards containing the voter's photograph and signature for free to those voters who do not have one of the accepted forms of identification required for purposes of voting. The bill requires the DMV to provide on the official DMV website and to any person coming into a DMV office information on who may qualify for a free voter photo identification card and how to obtain such a card.

*Patron - Adams, D.M.*

**HB1581 Recounts; special election to be held in the case of a tie vote.** Provides that if, after a recount of an election, the recount court finds that each party to the recount has received an equal number of votes, there shall be a special election to determine which candidate is elected to the office. This provision would not apply in cases of recounts of elections for Governor, Lieutenant Governor, or Attorney General; the Constitution of Virginia sets out the process for determining a winner in the case of tie votes for statewide offices.

*Patron - Price*

**HB1587 Redistricting; State Board of Elections to ensure correct district assignments of voters.** Provides that the State Board of Elections is responsible for ensuring that voters are assigned to the correct districts throughout the Commonwealth. The bill requires the State Board to promulgate instructions and guidelines for a periodic review conducted by the electoral boards or general registrars of the district assignments of voters within their localities, including a timeline for conducting the review and directions for making necessary corrections. The bill also requires the State Board to direct the Department to conduct an annual review of the district assignments of voters in the Commonwealth and to make any necessary corrections. In conducting this review, the Department shall review the reapportionment ordinances and maps sent to the State Board pursuant to law and compare the boundaries contained within with the information in the voter registration system. The State Board may require the Department to submit a report on the results of the annual review.

*Patron - Convors-Fowler*

**HB1589 Recount procedures; questioned ballots.** Provides that a recount court may rule only on those questioned ballots whose validity was challenged during the recount of the precinct. At the conclusion of the recount of each precinct, the number of ballots for which there is a question regarding the ballot's validity shall be recorded by the



recount officials at the same time that the number of valid ballots cast is recorded.

*Patron - Convors-Fowler*

**SB7 Statements of organization; campaign depository account number required.** Requires the statement of organization filed by candidates and candidate campaign committees to include the account number of the campaign depository in addition to the name of the financial institution. No statement of organization made available for public inspection shall contain the account number of the campaign depository.

*Patron - Ebbin*

**SB10 Campaign finance; prohibited contributions to candidates.** Prohibits any candidate from soliciting or accepting a contribution from any public service corporation, as defined in § 56-1, or any political action committee established and administered by such a corporation.

*Patron - Petersen*

**SB19 Virginia Interim Redistricting Commission; criteria for remedial redistricting plans.** Provides for the establishment of the Virginia Interim Redistricting Commission (the 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. This bill incorporates SB 598.

*Patron - Lucas*

**SB26 Method of nominating party candidates; certain incumbents to determine method.** Provides that incumbent constitutional officers shall have the right to determine the method of making party nominations for that constitutional office. If the incumbent constitutional officer does not designate a method or if no incumbent offers as a candidate for reelection to the office, the political party shall determine the method of nomination for that office. Currently, only incumbent General Assembly members have the right to designate the method of nomination.

*Patron - Spruill*

**SB65 Presidential candidates; federal tax returns and state income tax returns required for ballot access.** Requires any person seeking the nomination of the national political party for the office of the President or Vice President, in order to have his name appear on the primary or general election ballot, to submit to the State Board his federal tax returns and any income tax returns filed in any state from each year of the five-year period immediately preceding the general election. Any person selected by other groups not qualifying as a political party is also required to submit such returns in order to have his name printed on the general election ballot. The bill requires that such tax returns be publicly available on the Department of Elections website after certain redactions are made.

*Patron - Howell*

**SB131 Voter registration; notice and public access not required for certain voter registration events.** Provides that voter registration conducted in a high school and voter registration events sponsored or conducted by an entity or organization which the general registrar or an assistant registrar attends as an invitee are not required to be open to the public. Currently, opportunities for voter registration are required to be provided at sites open to the public. The bill also provides that notice is not required for voter registration that is not open to the public. This bill was incorporated into SB 358.

*Patron - Edwards*

**SB144 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, unless a provision of a local charter provides to the contrary. Currently, only candidates for federal, statewide, and General Assembly offices are so identified. The bill contains a technical amendment. The bill incorporates SB 263 and SB 720.

*Patron - Spruill*

**SB151 Office of the general registrar; open five days a week.** Provides that the office of the general registrar in all counties and cities is to be open a minimum of five days a week. Under current law, counties with a population of less than 10,000 and cities with a population of less than 7,500 are required to be open a minimum of three days a week, and additional days may be required by the general appropriation act. This bill was incorporated into SB 379.

*Patron - Edwards*

**SB165 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. Under current law, an employee of any such private entity is permitted to use his employee identification card for purposes of voting, provided that the card contains a photograph of the voter; 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 for purposes of voting, provided that the card contains a photograph of the voter.

*Patron - Wexton*

**SB263 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, unless a provision of a local charter provides to the contrary. Currently, only candidates for federal, statewide, and General Assembly offices are so identified. The bill contains a technical amendment. This bill was incorporated into SB 144.

*Patron - Suetterlein*

**SB322 Redistricting; split precincts prohibited.** Requires that, at any level of election district, each precinct be wholly contained within a single election district, except where splitting a precinct among two or more districts is necessary to ensure the population of each district is as nearly equal to the population of every other district as practicable. This bill was incorporated into SB 983.

*Patron - Peake*

**SB331 Voter registration; verification of social security numbers; provisional registration status.** Requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (State Board) before registering such applicant. If the information provided by the applicant does not match the information in such a database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot, but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with § 24.2-429, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve

the use of any government database to the extent required to enable each general registrar to carry out the provisions of this measure and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access.

*Patron - Peake*

**SB358 Voter registration; notice and public access not required for certain voter registration events.** Provides that voter registration conducted in a high school and voter registration events sponsored or conducted by an entity or organization which the general registrar or an assistant registrar attends as an invitee are not required to be open to the public. Currently, opportunities for voter registration are required to be provided at sites open to the public. The bill also provides that notice is not required for voter registration events that are not open to the public which the general registrar or an assistant registrar attends or voter registration events which the general registrar or an assistant registrar attends as an invitee. This bill incorporates SB 131.

*Patron - McClellan*

**SB427 Redistricting process.** Provides a new method for the preparation of state legislative and congressional redistricting plans. The bill specifies standards for developing plans, including population equality, compactness, maintenance of cores of existing districts, and respect for locality boundaries, and precludes consideration of incumbency and political data in developing plans. The bill assigns responsibility to the Division of Legislative Services (the Division) to prepare plans for submission to the General Assembly and establishes a temporary redistricting advisory commission to advise the Division, disseminate information on plans, and hold hearings for public comment on plans. The bill provides that the General Assembly may reject the Division's plans and may ultimately amend the plans. The bill is patterned after the Iowa redistricting process.

*Patron - Lewis*

**SB452 Voter identification; repeal of photo identification requirements.** Repeals the requirement that voters show a form of identification containing a photograph in order to be allowed to vote. The bill requires a voter to show either his voter registration confirmation documents; his valid Virginia driver's license, his valid United States passport, or any other identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business; or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. The bill adds language regarding requirements for certain voters pursuant to the Help America Vote Act of 2002.

*Patron - Dance*

**SB522 Election district boundaries not to split precincts.** Requires county and city governing bodies in each year ending in one, immediately after the completion of decennial redistricting, to establish precinct boundaries so that no precinct is split between two or more congressional, state Senate, House of Delegates, or county or city election districts. If it is impossible to meet this requirement the governing body is given authority to request a waiver from the State Board of Elections to establish a split precinct. The State Board may either grant the waiver or, if the Board finds it more appropriate, approve an exception to the minimum size requirements for precincts. This bill was incorporated into SB 983.

*Patron - Barker*

**SB523 Voter identification; electronic pollbooks to contain photographs of voters.** Requires electronic pollbooks to contain the photographs of registered voters that are obtained by the general registrars in the production of voter photo identification cards or contained in a voter's Department of Motor Vehicles record. The bill also provides that if the electronic pollbook contains the voter's photograph, the officer of election is required to access that photograph and the voter is not required to present one of the statutorily required forms of identification. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph. The provisions of the bill are contingent on funding in a general appropriation act. The bill has a delayed effective date of July 1, 2019.

*Patron - Obenshain*

**SB534 Voter referendum; independent redistricting commission.** Provides for a statewide referendum on the question of whether there should be an independent redistricting commission established in Virginia for the purpose of drawing the district maps for the 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 2018 general election.

*Patron - Mason*

**SB559 Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots by electronic means; pilot program.** Requires the State Board of Elections to establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Under the pilot program, those uniformed-service voters shall be permitted to sign the military-overseas ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. The State Board is directed to request proposals for the development and maintenance of the system used for the pilot program and to provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The provisions of the bill are contingent on funding in a general appropriation act. The bill has an expiration date of July 1, 2020.

*Patron - DeSteph*

**SB598 Virginia Interim Redistricting Commission; criteria for remedial redistricting plans.** Provides for the establishment of the Virginia Interim Redistricting Commission (the 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. This bill was incorporated into SB 19.

*Patron - Vogel*

**SB710 Third-party voter registration groups; registration, disclosure, and recordkeeping requirements.** Requires any individual or group that will be distributing and collecting voter registration applications to register as a third-party registration group with the Department of Elections (the Department) prior to engaging in any voter registration activities. The bill requires volunteers and employees of third-party registration groups to register with the Department. The Department is required to issue a unique identification number to each third-party registration group, and each group shall

assign its volunteers and employees a separate identification number. The bill requires these identification numbers to be included on voter registration applications collected by the third-party registration group but prohibits rejection of an application for lack of an identification number. The bill also requires third-party registration groups to maintain a record containing information about all volunteers and employees engaging in voter registration activities on behalf of the group, each of whom is required to receive training and to maintain a log of his registration activities to be submitted with all completed applications collected.

*Patron - Chase*

**[E]SB712 Electors for President and Vice President; allocation of electoral votes by congressional district.** Revises the process by which the Commonwealth's electoral votes are allocated among the slates of presidential electors. The bill provides that a voter will vote for two electors for the Commonwealth at large and one elector for the congressional district in which he is qualified to vote. The candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the two electoral votes for the Commonwealth at large, and the candidates for President and Vice President receiving the highest number of votes cast in each congressional district are allocated the one electoral vote for that congressional district. Currently, the candidates for President and Vice President receiving the highest number of votes cast statewide are allocated the total number of the Commonwealth's electoral votes.

*Patron - Chase*

**[E]SB718 Congressional and state legislative districts.** Provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. The bill prohibits use of political data or election results unless necessary to determine if racial or ethnic minorities can elect candidates of their choice. This bill was incorporated into SB 106.

*Patron - Chase*

**[E]SB720 Form of ballot; party identification of candidates.** Allows any candidate who has been nominated by a political party or in a primary election to choose whether to be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices are required to be so identified. The bill contains a technical amendment. This bill was incorporated into SB 144.

*Patron - Chase*

**[E]SB740 Congressional and state legislative districts.** Provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. The bill prohibits use of political data or election results unless necessary to determine if racial or ethnic minorities can elect candidates of their choice. This bill was incorporated into SB 106.

*Patron - Howell*

**[E]SB752 Congressional and state legislative districts.** Provides criteria for the General Assembly to observe in drawing districts, including respect for political boundaries, equal population, racial and ethnic fairness, contiguity, compactness, and communities of interest. The bill prohibits use of political data or election results unless necessary to determine if racial or ethnic minorities can elect candidates of their choice. This bill was incorporated into SB 106.

*Patron - Sturtevant*

**[E]SB820 Voter registration by political party affiliation; primary elections.** Adds party affiliation, beginning January 1, 2019, 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,

2019, 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 to be held from April 1 of that year through March 31 of the following year.

*Patron - Cosgrove*

**[E]SB825 State Board of Elections; membership; Commissioner of Elections.** Increases the membership of the State Board of Elections (Board) from three members to five members, with representation given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the last preceding gubernatorial election. Three Board members are to be of the party of the Governor. Terms of Board members are initially staggered. The Governor shall designate one member of the Board as the Commissioner of Elections, to head the Department of Elections and to act as the principal administrative officer. The Commissioner shall also serve as the chair of the Board. The bill requires the Board to submit an annual report to the Governor and the General Assembly. The bill has a delayed effective date of January 1, 2019.

*Patron - Edwards*

**[E]SB976 Party nominating methods.** Prohibits political parties from selecting a nomination method for its candidates for statewide or General Assembly district office, the U.S. House of Representatives, or the U.S. Senate that has the practical effect of excluding participation in the nomination process by otherwise eligible active duty military personnel or by individuals who are unable to attend meetings because of injuries suffered in military service.

*Patron - DeSteph*

**[E]SB978 Criteria for remedial redistricting plans.** Establishes criteria for remedial redistricting plans.

*Patron - Lewis*

## Carried Over

**[C]HB76 Political campaign advertisements; disclosure requirements; advertisements placed or promoted for a fee on an online platform.** Subjects any message that is placed or promoted for a fee on an online platform to the same disclosure requirements to which print media, television, and radio advertisements are subject. The bill defines "online platform" as any public-facing website, web application, or digital application, including a social network, ad network, or search engine, that sells advertisements and has at least 50 million unique monthly United States visitors or users for a majority of months during the preceding 12 months. The bill expands the definition of "print media" to include any non-video or non-audio message placed or promoted for a fee on an online platform, subjects advertisements in video format that are placed or promoted for a fee on an online platform to the same disclosure requirements to which television advertisements are subject, and subjects advertisements in audio format that are placed or promoted for a fee on an online platform to the same disclosure requirements to which radio advertisements are subject.

*Patron - Simon*

**[C]HB1210 Post-election audits.** Defines "post-election audit" to mean a process conducted after an election to confirm the accurate reporting of the results of the election and directs the State Board of Elections to establish a work group tasked with developing standards and procedures for conducting post-election audits in the Commonwealth. The work group is required, at a minimum, to (i) consider the types of post-election

tion audits available and being implemented in other states, (ii) recommend the type of post-election audit to be used in the Commonwealth, (iii) establish the process and procedures for conducting the recommended post-election audit, including the timeline, (iv) recommend actions to be taken if the post-election audit results indicate that the voting systems did not accurately count the ballots cast in the election, and (v) propose legislation for implementing the work group's recommendations. The work group is directed to submit an interim progress report by January 7, 2019, and a final report by December 1, 2019, to the Governor and the General Assembly. The bill repeals the current law regarding post-election risk-limiting audits.

*Patron - Hugo*

**[C]HB1325 Provisional voting; persons voting in split precincts.** Provides that any voter who is assigned to a precinct that is split between two or more election districts and who believes he was given a ballot for the district of which he is not a qualified voter may request, prior to casting the ballot, and shall be permitted to cast a provisional ballot for the district of which he believes he is a qualified voter and for the district in which the pollbook indicates he is registered. The bill requires the ballots to be sealed in envelopes labeled with the corresponding district number and then sealed in the green envelope provided for all provisional ballots. At the meeting to determine the validity of all provisional ballots offered in the election, the electoral board shall verify which district the voter is a qualified voter of and count that ballot.

*Patron - Cole*

**[C]HB1424 Recounts; number permitted; tie votes.** Provides that if, after a recount of an election, the recount court finds that each party to the recount has received an equal number of votes, it shall direct a determination by lot, but that no right to a recount shall be permitted. A candidate who loses a determination by lot following a recount may contest the election. The bill prohibits more than one recount of any election.

*Patron - Simon*

**[C]SB4 Absentee voting; persons age 65 or older.** Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.

*Patron - Ebbin*

**[C]SB6 Absentee voting; late applications and in-person voting in certain circumstances.** Provides that a registered voter who becomes obligated after noon on the Friday immediately preceding an election to travel outside of his county or city for a business purpose, for a hospitalization, or for the death of a member of his immediate family is entitled to apply for an absentee ballot and to vote absentee in-person. Such a registered voter is required to apply in person not later than 2:00 p.m. on the Monday immediately preceding the election. Currently, the provisions for late applications and in-person absentee voting apply only to those registered voters who become obligated after noon on the Saturday immediately preceding the election.

*Patron - Ebbin*

**[C]SB8 Absentee voting; prescribed oath for absentee voters.** Removes the requirement that an absentee voter completing the Statement of Voter include the address of his legal residence in Virginia. The bill requires instead that the voter affirm that he is a legal resident of the county or city in which he is offering to vote. Those voters who qualify to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) continue to use the standard oath prescribed by the presidential designee under § 101(b)(7) of that act.

*Patron - Ebbin*

**[C]SB114 Absentee voting; no excuse.** Allows any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which a person may be entitled to vote by

absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section.

*Patron - Locke*

**[C]SB136 Absentee voting; no-excuse in-person available 21 days prior to election.** Allows any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to 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 on the forty-fifth 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 or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.

*Patron - Howell*

**[C]SB164 Absentee voting; persons age 65 or older.** Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.

*Patron - Wexton*

**[C]SB254 Absentee voting; no excuse required when voting in person.** Provides that any registered voter may vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason for being unable to vote in person on election day. The bill retains the statutory list of reasons allowing a voter to cast an absentee ballot by mail.

*Patron - Dance*

**[C]SB277 Absentee voting; persons age 65 or older.** Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.

*Patron - Barker*

**[C]SB323 Virginia Independent Redistricting Review Commission; split precincts.** Establishes the seven-member Virginia Independent Redistricting Review Commission for the purpose of reviewing redistricting plans adopted by the General Assembly to ensure that precincts are wholly contained within election districts at every level. A plan containing any precinct that is split among two or more election districts requires the approval of the Commission for its enactment. The bill requires that when reviewing such a plan, the Commission determine whether the precinct was split in an effort to ensure that the population of each district is as nearly equal to the population of every other district as practicable and whether population equality of the districts can be achieved to the extent necessary without splitting the precinct.

*Patron - Peake*

**[C]SB453 Absentee voting; persons age 65 or older.** Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.

*Patron - Mason*

**[C]SB591 Post-election audits.** Defines "post-election audit" to mean a process conducted after an election to confirm the accurate reporting of the results of the election and directs the State Board of Elections to establish a work group tasked with developing standards and procedures for conducting post-election audits in the Commonwealth. The work group is required, at a minimum, to (i) consider the types of post-election audits available and being implemented in other states, (ii) recommend the type of post-election audit to be used in the Commonwealth, (iii) establish the process and procedures for conducting the recommended post-election audit, including the timeline, (iv) recommend actions to be taken if the post-election audit results indicate that the voting systems did not accurately count the ballots cast in the election, and (v) propose legislation for implementing the work group's recommendations. The work group is directed to submit an interim progress report by January 7, 2019, and a final report by December 1,

2019, to the Governor and the General Assembly. The bill repeals the current law regarding post-election risk-limiting audits.

*Patron - Vogel*

**☐SB592 Campaign finance; prohibited personal use; penalty.** Prohibits the conversion of any contributed moneys, securities, or like intangible personal property by any person to the personal use of a candidate or member of the candidate's immediate family or an intimate partner of the candidate or a member of the candidate's immediate family if (i) such use yields a grossly disproportionate and unreasonable benefit to the recipient or candidate relative to the benefit realized by the candidate's campaign or public office, (ii) the fair market value of converted property grossly exceeds the benefit realized by the candidate's campaign or public office, (iii) a reasonable and prudent person would not ordinarily authorize such expenditure as beneficial to the campaign, and (iv) such use is made with a knowing, willing, reckless, or negligent disregard for the financial interests of the campaign. Complaints of alleged violations may be made by any person to the State Board of Elections. The subject of the complaint has 30 days to provide to the State Board documentation or other evidence that the use of campaign funds was permissible. The State Board shall call a hearing if it determines, after reviewing any response made by the subject of the complaint, that the use of campaign funds was impermissible. A person found by the State Board to have willfully and knowingly violated this section shall repay to the campaign committee the amount unlawfully converted. The State Board may also assess an additional civil penalty, in an amount not to exceed the amount unlawfully converted. Complaints may be declared factually meritless by the State Board when, viewing the facts in the light most favorable to the complaining party, it finds there is no credible allegation of a violation and such complaints shall be exempt from public disclosure for a period of time immediately preceding an election.

*Patron - Vogel*

**☐SB602 Absentee voting; no-excuse in-person available 21 days prior to election.** Allows any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to 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 on the forty-fifth 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 or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.

*Patron - Ebbin*

**☐SB604 Absentee voting; certain absentee voters permitted to vote after close of absentee voting location.** Provides that an applicant who is in line to cast his ballot when the office of the general registrar or location being used for in-person absentee voting closes shall be permitted to cast his absentee ballot that day.

*Patron - Ebbin*

**☐SB674 Election day voter registration; pilot program.** Requires the State Board of Elections to develop a pilot program for election day voter registration, by which a person who (i) offers to vote on election day but is not a registered voter, (ii) provides one of the allowable forms of identification specified by law, and (iii) provides proof of his residency, in a form specified by the State Board for this purpose, in the precinct in which he offers to vote, shall be permitted to register to vote and to cast a ballot. The bill provides a process by which the validity of such votes is determined. The bill requires participating localities to provide information on the implementation of the pilot program in its locality to the State Board by December 1 of each year in which it participates. The bill requires the State Board to submit a report on the pilot program to the Governor, the General Assembly, and the House and Senate Committees on Privileges and Elections, including a

recommendation as to whether there should be statewide election day voter registration. The bill has an expiration date of December 31, 2020.

*Patron - Deeds*

**☐SB689 Absentee voting; eligibility of persons whose polling place prohibits firearms.** Entitles any person who may otherwise lawfully carry a firearm to vote absentee if his polling place is located in a building or on property where such possession is prohibited by law or is prohibited by the owner of the private property.

*Patron - Lewis*

**☐SB770 Absentee voting; alternative locations for in-person absentee voting.** Provides that the alternative locations approved by the electoral boards for absentee voting in person prior to election day shall be in a public facility owned or leased by the city, the county, or a town within the county, at which all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location are adequately protected and secured. Currently, the law limits the electoral boards to approving alternative locations only in public buildings.

*Patron - Surovell*

**☐SB771 Absentee voting; counting military and overseas absentee ballots received after close of polls on election day.** Provides that absentee ballots cast by military and overseas absentee voters that are (i) received after the close of the polls on any election day but before 5:00 p.m. on the second business day before the State Board meets to ascertain the results of the election and (ii) postmarked on or before the date of such election are to be counted if the voter is found entitled to vote. The bill provides that a postmark includes any other official indicia of confirmation of mailing by the United States Postal Service or other postal or delivery service. Under current law, such ballots cast by military and overseas absentee voters would be counted in this manner regardless of the date of any postmark, but only if the absentee ballot had been requested on or before, but not sent by, the deadline for making absentee ballots available.

*Patron - Surovell*

**☐SB913 Review of voter assignments in districts throughout the Commonwealth.** Directs each county, city, and town to review the assignment of voters within its jurisdiction to ensure that voters are assigned to the correct districts. The electoral board and general registrar of each county, city, or town shall conduct this review by comparing the information in the voter registration system with the boundaries of the districts and precincts set out in a Geographic Information System (GIS) map of the locality and shall make corrections to incorrect assignments as necessary, assisted by the State Board of Elections upon request. The bill requires this review to be completed not later than the 2018 November general election. After the conclusion of its review and after making any necessary corrections, each locality is required to submit to the State Board a report of the results of its review and any corrections to voter assignments that were made. The State Board is required to report the statewide results to the General Assembly on or before the first day of the 2019 Session.

*Patron - Chase*

## Eminent Domain

### Passed

**☐HB1564 Eminent domain proceedings; selection of commissioners.** Increases from at least six to at least eight the number of names of qualified persons each party shall submit to the court if they cannot agree upon five to nine qualified persons to act as commissioners. The bill also increases from nine

to 13 the number of names the court shall select as potential commissioners from the submitted lists.

*Patron - Yancey*

**[P]SB278 Eminent domain proceedings; payment of funds to attorney of owner.** Requires that any funds due to the owner, whether such funds are in the possession of the court or are outstanding, shall be payable to the owner's attorney or, if no such attorney exists, to the owner, within 30 days of a settlement or final determination in an eminent domain proceeding. This bill received Governor's recommendations.

*Patron - Petersen*

**[P]SB809 Eminent domain; calculation of lost profits.** Amends, in the definitions of "lost profits" and "business profit" for the purposes of eminent domain, the period for which lost profits are calculated to a period not to exceed three years from the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken. Under current law, lost profits are calculated for a period not to exceed (a) three years from the date of valuation if less than the entire parcel of property is taken or (b) one year from the date of valuation if the entire parcel of property is taken. The bill specifies that the person claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. The bill further specifies that if the owner is not named in the petition for condemnation, he may intervene in the proceeding and that proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority. This bill incorporates SB 911.

*Patron - Petersen*

## Failed

**[F]SB911 Eminent domain; lost profits.** The bill redefines lost profits for the purposes of calculating an award in an eminent domain proceeding as a loss of business profits from a business or farm operation for a period not to exceed three years from the date of valuation, regardless of the amount of property that is taken. Under current law, lost profits are calculated for a period not to exceed three years from the date of valuation if there is a partial taking of property and for a period not to exceed one year from the date of valuation if the entire parcel of property is taken. This bill was incorporated into SB 809.

*Patron - Chase*

## Financial Institutions and Services

## Passed

**[P]HB433 Banks and credit unions; closure; appointment of receiver.** Enables the State Corporation Commission (Commission) to close a state-chartered bank or credit union if its net worth ratio falls to less than two percent, if it is approaching insolvency and has no reasonable prospect for rehabilitation, or if closure is necessary for the protection of the public interest. The measure resolves an existing ambiguity regarding the appropriate court to which the Commission is required to apply for an order to have the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Administration (NCUA) appointed as receiver for a state-char-

tered bank or credit union that has been closed by the Commission. The measure requires the court to appoint the FDIC or NCUA as receiver if the court finds that the FDIC or NCUA is willing to accept the appointment.

*Patron - Marshall*

**[P]HB789 Banks; stock ownership by directors.** Provides that a bank director is deemed to be the sole owner of shares in the bank that are deposited by the director in a living trust, or inter vivos trust, as to which the director is a trustee and retains an absolute power of revocation. Currently, a director is deemed to be the sole owner of shares that are deposited in such a trust only if the director is the sole trustee of the trust. This bill is identical to SB 260.

*Patron - Keam*

**[P]HB1208 Banks; branch offices.** Authorizes a bank to operate a branch office under a different name if such name contains language clearly indicating that it is a branch office of the bank or a division of the bank. Currently, a different name may be used for a branch office if it indicates that it is a branch office and indicates the bank of which it is a branch office. This bill is identical to SB 244.

*Patron - Hugo*

**[P]SB244 Banks; branch offices.** Authorizes a bank to operate a branch office under a different name if such name contains language clearly indicating that it is a branch office of the bank or a division of the bank. Currently, a different name may be used for a branch office if it indicates that it is a branch office and indicates the bank of which it is a branch office. This bill is identical to HB 1208.

*Patron - Cosgrove*

**[P]SB260 Banks; stock ownership by directors.** Provides that a bank director is deemed to be the sole owner of shares in the bank that are deposited by the director in a living trust, or inter vivos trust, as to which the director is a trustee and retains an absolute power of revocation. Currently, a director is deemed to be the sole owner of shares that are deposited in such a trust only if the director is the sole trustee of the trust. This bill is identical to HB 789.

*Patron - Stuart*

## Failed

**[F]HB47 Payday Lending Prohibition Act; penalties.** Prohibits any person from engaging in any business that consists in whole or in part of making, offering, arranging, or acting as an agent in the making of loans on the security of (i) a check or other draft drawn on the account of an individual at a bank, savings institution, or credit union; (ii) any form of assignment of an interest in the account of an individual at a bank, savings institution, or credit union; or (iii) any form of assignment of income payable to an individual, other than loans based on income tax refunds. The prohibition does not apply to certain lenders subject to the general supervision of or subject to examination by the State Corporation Commission or to banks, savings institutions, or credit unions operating under the laws of the United States or any state. A violation is a Class 1 misdemeanor. Violators are also subject to civil penalties, cease and desist orders, and private actions. Violations are a prohibited practice under the Virginia Consumer Protection Act. Existing provisions providing for the licensing and regulation of payday lenders are repealed.

*Patron - Krizek*

**[F]HB404 Open-end credit plans.** Prohibits a creditor from extending credit under an open-end credit plan at an annual rate that exceeds 36 percent unless the credit is extended by the seller of personal, family, or household goods for the sole purpose of financing the purchase price.

*Patron - Levine*

**HB466 Payday loans; motor vehicle title loans; purchase from federally chartered financial institution.** Prohibits a licensed payday lender or motor vehicle title lender (a licensee) from acquiring a payday loan or motor vehicle title loan from a federally chartered bank or savings institution if the terms of the loan would violate Virginia law if the loan was made by a licensee. The prohibition applies if the loan is made to a Virginia resident and if the licensee, under the terms of its purchase or acquisition of the loan, assumes or acquires rights of the federally chartered bank or savings institution as lender with respect to the loan. The measure provides that such a loan acquired by a licensee in violation of this prohibition is unenforceable against the borrower.

*Patron - Carter*

**HB956 Payday loans.** Changes the minimum term of a payday loan from two of the borrower's pay cycles to six months. The measure reduces the maximum amount of the loan fee that a licensee may charge from 20 percent of the total amount borrowed to 20 percent of the amount of the first \$300 borrowed and 7.5 percent of any amount borrowed in excess of \$300. The measure entitles a borrower to a refund of unearned interest and loan fee if the loan is prepaid in full prior to maturity. The measure adds a requirement that borrowers be given the option of structuring a payday loan as an installment loan payable in substantially equal monthly installments. The measure retains the provision authorizing a borrower to pay any outstanding single payment payday loan by means of an extended payment plan. The measure eliminates the existing provision that authorizes a borrower with five payday loans within 180 days to repay such fifth loan as an extended term loan in four installments over 60 days. The measure prohibits a licensee from refinancing or renewing an existing payday loan or amending the terms of an existing payday loan agreement in order to extend the term of the existing payday loan beyond its original term more than once. The measure allows a person to have more than one payday loan outstanding at any time if his aggregate principal amount does not exceed \$500 and there is at least a 30-day period between the dates each payday loan is made. The measure prohibits a licensee from making a payday loan if the purpose of the loan is to enable the borrower to pay off a payday loan made by the licensee or another payday lender. Finally, the measure revises the existing provision that bars a licensee from making a new loan to a borrower on the same day that the borrower repaid a payday loan by stating that such loans are barred if made to pay off a payday loan made by the licensee or another payday lender.

*Patron - Yancey*

**HB967 Qualified education loan servicers.** Prohibits any person from acting as a qualified education loan servicer without first obtaining a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks, credit unions, and nonprofit institutions of higher education are exempt from the licensing provisions. The servicing of a qualified education loan encompasses (i) receiving any scheduled periodic payments from a qualified education loan borrower pursuant to the terms of a qualified education loan; (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; and (iii) performing other administrative services with respect to a qualified education loan. Qualified education 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 qualified education loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying loan payments to the outstanding balance of a qualified education 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. Violations are subject to a civil penalty not exceeding \$2,500. The bill has a delayed effective date of January 1, 2019, but provides that applications shall be accepted, and

investigations commenced, by the SCC beginning October 1, 2018.

*Patron - Simon*

**HB1248 Consumer finance companies.** Updates several administrative provisions regarding the regulation of consumer finance companies by the State Corporation Commission's Bureau of Financial Institutions (Bureau). These provisions include matters relating to the licensing process, license suspension and revocation, conducting other types of business, investigations, examinations, fees, recordkeeping, civil penalties, reporting, and enforcement, including the issuance by the Attorney General of civil investigative demands. The measure adds a bonding requirement and authorization to issue cease and desist orders. The measure replaces the existing system under which a separate license is issued by the Bureau for each office in the Commonwealth where a person makes consumer finance loans to one that provides for the issuance of a single license to a consumer finance company, which may allow it to make loans at multiple locations. The measure also authorizes the Bureau to license out-of-state consumer finance companies, including lenders that operate via the Internet. The measure has a delayed effective date of January 1, 2019, and requires the Bureau to establish a procedure that allows applicants to apply for licensure prior to that date. An enactment clause authorizes the Bureau to issue a new license to currently licensed consumer finance companies in good standing upon compliance with the new bonding requirements.

*Patron - Kilgore*

**HB1483 Open-end credit plans.** Prohibits a person licensed as a motor vehicle title lender from extending credit under an open-end credit plan. The measure prohibits any person from extending credit under an open-end credit plan without first obtaining a license to do so from the State Corporation Commission. The measure also prohibits such a lender from (i) obtaining or accepting from a borrower an authorization to electronically debit the borrower's deposit account; (ii) failing to comply with certain restrictions and prohibitions applicable to debt collectors contained in the federal Fair Debt Collection Practices Act; (iii) making a loan to a borrower if the loan or extension would cause the borrower to have more than one loan under an open-end credit plan outstanding at the same time; and (iv) filing a legal proceeding against a borrower until 60 days after the date of default on an open-end credit plan, during which period the person and the borrower may voluntarily enter into a repayment arrangement. The measure makes these requirements applicable to any person that makes such an extension of credit over the Internet to Virginia residents or any individuals in Virginia. The measure makes it a prohibited practice under the Virginia Consumer Protection Act to violate the requirements applicable to extending credit under an open-end credit plan.

*Patron - Rasoul*

**HB1596 Open-end credit plans.** Prohibits a person licensed as a motor vehicle title lender from extending credit under an open-end credit plan. The measure requires any person engaging in the business of extending credit under an open-end credit plan to obtain a license from the State Corporation Commission and establishes licensure requirements and procedures. The measure prohibits a person extending credit under an open-end credit plan from (i) obtaining or accepting from a borrower an authorization to electronically debit the borrower's deposit account; (ii) failing to comply with certain restrictions and prohibitions applicable to debt collectors contained in the federal Fair Debt Collection Practices Act; (iii) making a loan to a borrower if the loan or extension would cause the borrower to have more than one loan under an open-end credit plan outstanding at the same time; and (iv) filing a legal proceeding against a borrower until 60 days after the date of default on an open-end credit plan, during which period the person and the borrower may voluntarily enter into a repayment arrangement. The measure makes these requirements applicable to any person that makes such an extension of credit over the Internet to Virginia residents or any individuals in Virginia. The measure makes violating requirements applicable to



extending credit under an open-end credit plan a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Keam*

**SB42 Banks; loan applicant verification.** Requires banks that receive a loan application form that names an existing customer as the applicant to contact the customer and verify that the customer has applied for the loan. The duty applies when the loan application form is included in loan solicitation materials sent by or on behalf of a bank to its existing customers.

*Patron - Favola*

**SB362 Qualified education loan servicers.** Prohibits any person from acting as a qualified education loan servicer without first obtaining a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks, credit unions, certain wholly owned subsidiaries of banks and credit unions, and nonprofit institutions of higher education are exempt from the licensing provisions. The servicing of a qualified education loan encompasses (i) receiving any scheduled periodic payments from a qualified education loan borrower pursuant to the terms of a qualified education loan; (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; and (iii) performing other administrative services with respect to a qualified education loan. Qualified education 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 qualified education loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying loan payments to the outstanding balance of a qualified education 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. Violations are subject to a civil penalty not exceeding \$2,500. The bill has a delayed effective date of January 1, 2019, but provides that applications shall be accepted, and investigations commenced, by the SCC beginning October 1, 2018.

*Patron - Howell*

**SB624 Open-end credit plans.** Prohibits a person licensed as a motor vehicle title lender from extending credit under an open-end credit plan. The measure prohibits a person that extends credit under an open-end credit plan from (i) obtaining or accepting from a borrower an authorization to electronically debit the borrower's deposit account; (ii) failing to comply with certain restrictions and prohibitions applicable to debt collectors contained in the federal Fair Debt Collection Practices Act; (iii) making a loan to a borrower if the loan or extension would cause the borrower to have more than one loan under an open-end credit plan outstanding at the same time; and (iv) filing a legal proceeding against a borrower until 60 days after the date of default on an open-end credit plan, during which period the person and the borrower may voluntarily enter into a repayment arrangement. The measure makes these requirements applicable to any person that makes such an extension of credit over the Internet to Virginia residents or any individuals in Virginia. The measure also makes it a prohibited practice under the Virginia Consumer Protection Act to violate the requirements applicable to extending credit under an open-end credit plan.

*Patron - Surovell*

**SB625 Consumer finance companies.** Requires the State Corporation Commission, as a condition of licensing a consumer finance company, to find that the applicant will not make consumer finance loans at the same location at which the applicant makes payday loans or motor vehicle title loans. The measure also (i) sets the minimum and maximum amounts of a consumer finance loan at \$500 and \$35,000 respectively; (ii) requires that such loans be installment loans with a term that is

not less than six months nor more than 120 months; (iii) sets the maximum annual interest rate on such loans at 36 percent; (iv) authorizes late payment fees of \$20, provided they are set forth in a contract (v) authorizes loan processing fees of the greater of \$75 or five percent of the principal amount of the loan but not to exceed \$150; and (vi) increases the amount of a bad check fee from \$15 to \$25.

*Patron - Surovell*

**SB629 Financial institutions; confidentiality of information.** Provides that the scope of the prohibition on the State Corporation Commission's disclosure of personal information does not encompass any information pertaining to an individual's ownership interest in a person regulated under Title 6.2 (Financial Institutions and Services). The measure excludes from the prohibition any information pertaining to the business of a sole proprietorship or mortgage loan originator regulated under Title 6.2. The measure also provides that an annual report or other periodic written report filed with the Bureau of Financial Institutions by a licensed nondepository institution is not confidential and shall be available for public inspection, subject to the same limitation regarding the disclosure of an individual's personal information.

*Patron - Surovell*

---

## Fire Protection

---

---

### Passed

---

**HB1163 Fire protection; applicant preemployment information with fire departments.** Allows any fire department, pursuant to a local ordinance adopted in accordance with § 19.2-389, to require applicants for employment to submit to fingerprinting and to provide personal descriptive information to be forwarded through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. Under current law, the submission of such information is mandatory, not discretionary, and applies only to applicants for employment with the Arlington County Fire Department. This bill received Governor's recommendations.

*Patron - Ingram*

---

### Failed

---

**HB1411 Statewide Fire Prevention Code; powers and duties of the Virginia Fire Services Board.** Transfers primary authority for the adoption of the Statewide Fire Prevention Code from the Board of Housing and Community Development to the Virginia Fire Services Board (the Board). The bill allows the Board to convene an ad hoc committee whenever it proposes a change to the Statewide Fire Prevention Code for the purpose of advising the Board. The bill also requires the Board to develop the means to publicize the policies and programs of the Department of Fire Programs to educate the public and elicit public support. The bill contains technical amendments.

*Patron - Helsel*

**HB1420 Statewide Fire Prevention Code; powers and duties of the Virginia Fire Services Board.** Transfers primary authority for the adoption of the Statewide Fire Prevention Code from the Board of Housing and Community Development to the Virginia Fire Services Board (the Board). The bill allows the Board to convene an ad hoc committee whenever it proposes a change to the Statewide Fire Prevention Code for the purpose of advising the Board. The bill also requires the Board to develop the means to publicize the policies and programs of the Department of Fire Programs to edu-

cate the public and elicit public support. The bill contains technical amendments.

*Patron - Collins*

**[F]SB488 Statewide Fire Prevention Code; powers and duties of the Virginia Fire Services Board.** Transfers primary authority for the adoption of the Statewide Fire Prevention Code from the Board of Housing and Community Development to the Virginia Fire Services Board (the Board). The bill allows the Board to convene an ad hoc committee whenever it proposes a change to the Statewide Fire Prevention Code for the purpose of advising the Board. The bill also requires the Board to develop the means to publicize the policies and programs of the Department of Fire Programs to educate the public and elicit public support. The bill contains technical amendments.

*Patron - Edwards*

**[F]SB554 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 that an owner of real property who has an occupancy permit issued by the City (i) use certain landscape cover materials, (ii) not use certain landscape cover materials, (iii) retrofit existing landscape cover materials, or (iv) in any way be prohibited from continuing to use, supplement, or refurbish the existing landscape cover materials at such property.

*Patron - Obenshain*

**[F]SB778 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 the sale of permissible fireworks or the use of such fireworks on private property. The bill has a delayed effective date of January 1, 2019. The bill contains technical amendments.

*Patron - Suetterlein*

## Carried Over

**[C]SB173 Regulation of the sale and use of consumer fireworks; criminal and civil penalties.** Authorizes a person to sell consumer fireworks, defined in the bill, if he possesses a federal permit to sell fireworks, a permit issued by the Virginia Fire Services Board, and a local permit, if and as required by the locality where the sales facility is located. The bill directs the Board to establish requirements and a process for the issuance and renewal of permits for the sale of consumer fireworks. Among other requirements, a permittee is required to carry, with respect to each permitted facility, public liability and product liability insurance with minimum limits of \$5 million to cover potential losses, damages, or injuries to persons or property as a result of the sales of consumer fireworks. The bill specifies certain requirements for facilities at which consumer

fireworks are permitted to be sold, including prohibitions on an individual under 18 years of age (i) being admitted into any consumer fireworks retail sales facility, defined in the bill, unless accompanied by a parent, guardian, or responsible adult or (ii) working in any consumer fireworks retail sales facility. The bill prohibits a person from, among other acts, (a) selling consumer fireworks within the Commonwealth unless he is a permittee or an employee or agent of a permittee; (b) selling consumer fireworks from a place other than a permanent consumer fireworks retail sales facility; (c) selling consumer or permissible fireworks to an individual who appears to be under the influence of alcohol or drugs; (d) knowingly selling or otherwise furnishing consumer or permissible fireworks to an individual under 18 years of age; (e) purchasing, using, or possessing consumer or permissible fireworks if the individual is under 18 years of age; or (f) selling or storing fireworks that are not consumer fireworks as defined in a standard established by the American Pyrotechnics Association. Certain violations are punishable as a Class 1 misdemeanor. A person violating restrictions on the hours during which, or places where, consumer or permissible fireworks may be used is subject to a civil penalty not to exceed \$150 per violation. The bill also creates a seven percent tax on the purchase of all consumer fireworks. The bill provides that revenues from the tax shall be deposited into the Local Consumer Fireworks Fund, created by the bill, and shall be distributed evenly among all of the localities in which consumer fireworks are sold to be used to supplement the salaries paid to deputy sheriffs.

*Patron - Stanley*

## Fisheries and Habitat of the Tidal Waters

### Passed

**[P]HB577 Crab scraping; possession of hard crabs.** Removes the prohibition on the possession of hard crabs while having a crab scrape on board a vessel.

*Patron - Bloxom*

**[P]HB853 Saltwater recreational fishing license; member of Indian tribe exempt.** Exempts from the requirements of obtaining a saltwater recreational fishing license and a commercial gear license for recreational purposes any person who is a member of an American Indian tribe that is recognized by the Commonwealth. The bill requires such person to carry an identification card or other documentation of the fact that he is a member of the tribe and provides that such documentation shall create a presumption of residence in Virginia that may be rebutted by proof of actual residence elsewhere.

*Patron - Peace*

**[P]HB1491 Marine Resources Commission; conveyance of easement and rights-of-way; Rappahannock River.** Authorizes the Virginia Marine Resources Commission to convey to Virginia Electric and Power Company (Dominion Virginia Power) an easement and rights-of-way needed for constructing and maintaining an underground electric transmission line across the Rappahannock River in Middlesex and Lancaster Counties. The bill provides that none of the right-of-way property that lies within the Baylor Survey shall be considered part of the natural oyster beds, rocks, and shoals of the Commonwealth. This bill is identical to SB 888.

*Patron - Ransone*

**[P]SB888 Marine Resources Commission; conveyance of easement and rights-of-way; Rappahannock River.** Authorizes the Virginia Marine Resources Commission to convey to Virginia Electric and Power Company (Dominion Virginia Power) an easement and rights-of-way needed for constructing and maintaining an underground electric trans-

mission line across the Rappahannock River in Middlesex and Lancaster Counties. The bill provides that none of the right-of-way property that lies within the Baylor Survey shall be considered part of the natural oyster beds, rocks, and shoals of the Commonwealth. This bill is identical to HB 1491.

*Patron - McDougle*

## Failed

**[F]HB56 Crab scraping; possession of hard crabs; characteristics of scrape.** Removes the prohibitions against the possession of hard crabs while having a crab scrape on board a vessel and against the use of a mechanical scrape. The bill also increases the maximum allowed length of the mouth of a crab scrape from four feet to five feet.

*Patron - Bloxom*

**[F]HB264 Oyster-planting ground; transfer or assignment of lease to locality.** Authorizes a person holding a lease of oyster-planting ground to transfer or assign the lease to a locality or other political subdivision of the Commonwealth, retroactive to July 1, 1966. Current law allows the holder of such lease to transfer or assign the lease to a resident of the Commonwealth or an authorized corporation.

*Patron - Turpin*

**[F]HB487 Oyster planting-ground lease; transfer or assignment.** Authorizes the holder of an oyster-planting ground lease to transfer or assign the lease to localities and other political subdivisions of the Commonwealth.

*Patron - Stolle*

**[F]HB584 Riparian planting grounds lease; eligibility; Lynnhaven River.** Reduces from 205 feet to 105 feet the minimum low-water shore front that makes the landowner eligible to apply for riparian planting grounds assignment by the Commissioner of the Marine Resources Commission. Reduces from 205 feet to 105 feet the minimum low-water shore front that makes the landowner eligible to apply for riparian planting grounds assignment by the Commissioner of the Marine Resources Commission, and provides that an eligible owner with less than 205 feet of shore front may apply for as much as one-quarter acre of planting grounds. The bill maintains current provisions authorizing the assignment of as much as one-half acre for a riparian landowner with at least 205 feet of shoreline. The bill provides that the Commissioner shall assign such ground in the Lynnhaven River and its tributaries only when the assignment is in the public interest.

*Patron - Bloxom*

**[F]HB822 Menhaden; total landings.** Adjusts the annual total allowable landings for menhaden downward from 168,937.75 metric tons to 168,213.16 metric tons and provides that any portion of the coast-wide total allowable catch that is relinquished by a state that is a member of the Atlantic States Marine Fisheries Commission shall be redistributed to Virginia and other states according to the Commission's allocation guidelines. The bill adjusts the annual harvest cap for the purse seine fishery for Atlantic menhaden in the Chesapeake Bay downward from 87,216 metric tons to 51,000 metric tons. The bill also removes a provision that applied the amount by which certain actual Chesapeake Bay harvests fall below the harvest cap as a credit to the following year.

*Patron - Knight*

**[F]HB1488 Marine Resources Commission; oyster dredge; sanctuary area.** Provides that the prohibition against carrying an oyster dredge except when traveling to or from (i) the licensed oyster ground or (ii) maintenance docks does not bar the carrying of a dredge through an oyster sanctuary area when the boat is traveling to or from either place.

*Patron - Helsel*

**[F]HB1610 Menhaden; total landings.** Adjusts the annual total allowable landings for menhaden upward from 168,937.75 metric tons to 170,797.17 metric tons and provides that any portion of the coast-wide total allowable catch that is relinquished by a state that is a member of the Atlantic States Marine Fisheries Commission shall be redistributed to Virginia and other states according to the Commission's allocation guidelines. The bill adjusts the annual harvest cap for the purse seine fishery for Atlantic menhaden in the Chesapeake Bay downward from 87,216 metric tons to 51,000 metric tons. The bill also removes a provision that applied the amount by which certain actual Chesapeake Bay harvests fall below the harvest cap as a credit to the following year.

*Patron - Knight*

**[F]SB214 Purse net fishing prohibited; civil penalty.** Prohibits fishing for menhaden with purse nets (i) at certain times within three miles of the shoreline of Virginia Beach extending to the North Carolina border and (ii) at any time in the Chesapeake Bay and its tributaries within one mile of the mean low water mark. The bill authorizes the Marine Resources Commission to assess a civil penalty of up to \$10,000 for each violation, with penalties collected to be deposited into the Virginia Marine Products Fund.

*Patron - Cosgrove*

**[F]SB552 Crab pots and peeler pots; marine-biodegradable escape panels; penalty.** Requires any crab pot sold in the Commonwealth and any peeler pot regulated by the Marine Resources Commission (the Commission), or used or sold in the Commonwealth, beginning January 1, 2019, to have two marine-biodegradable escape panels, defined in the bill, on different sidewalls of the upper chamber of the crab pot or peeler pot, as applicable. The bill requires that beginning July 1, 2020, any crab pot regulated by the Commission, or used or sold in the Commonwealth, have two such panels. The bill makes a violation of such provisions a Class 3 misdemeanor.

*Patron - Mason*

## Game, Inland Fisheries and Boating

## Passed

**[P]HB239 Sunday hunting; exceptions; raccoons.** Removes the prohibition on hunting or killing raccoons after 2:00 a.m. on Sunday. This bill is identical to SB 375.

*Patron - Kilgore*

**[P]HB346 Personal watercraft; operation on public lake smaller than 50 acres; local ordinance.** Provides that any locality in Planning District 23 may, by ordinance, prohibit the operation of a personal watercraft on a public lake measuring less than 50 acres in extent, with a violation constituting a Class 4 misdemeanor.

*Patron - Stolle*

**[P]HB564 Hunting apparel; hunting from enclosed ground blind; solid blaze orange or solid blaze pink.** Allows a hunter hunting from an enclosed ground blind during any firearms deer season, except during the special season for hunting deer with a muzzle-loading rifle only, to display attached to or immediately above the blind at least 100 square inches of solid blaze orange or solid blaze pink material visible from 360 degrees in lieu of wearing specified hunting apparel. The bill also requires that all specified blaze orange or blaze pink hunting apparel or material be solid in color and safety or fluorescent in hue. The bill contains technical amendments.

*Patron - Edmunds*

**[P]HB635 Free fishing day; rain day; emergency.** Permits the Board of Game and Inland Fisheries to designate a substitute free day in the event that a free day is canceled as a result of inclement weather. The bill contains an emergency clause.

*Patron - O'Quinn*

**[P]HB751 Motorboats; means of propulsion; wake-surfing.** Allows a motorboat that is propelled by a means that is below the water line and forward of either the transom or an integrated swim platform to be accompanied by a person in the water. Current law allows a motorboat to be accompanied by such a wakesurfer only if the motorboat is propelled by an inboard motor. This bill is identical to SB 984.

*Patron - Leftwich*

**[P]HB1151 Nonresident youth fishing license; exemption.** Authorizes a nonresident under age 16 to fish without a fishing license when accompanied by a person possessing a valid license to fish in Virginia and allows such nonresident to fish for trout without a license in designated waters. Current law allows a nonresident under age 12 to fish without a license but requires a license for such nonresident when fishing for trout in designated waters.

*Patron - Gooditis*

**[P]HB1328 Hunting; disabled hunter exempt from local tree stand requirement.** Exempts certain disabled hunters from any local ordinance requiring hunting from an elevated platform or tree stand. This bill received Governor's recommendations.

*Patron - Edmunds*

**[P]HB1393 Arrowgun hunting; license.** Authorizes the use of an arrowgun, a pneumatic-powered air gun, for hunting and allows certain disabled hunters to obtain an archery license for hunting with an arrowgun. This bill is identical to SB 859.

*Patron - Knight*

**[P]HB1404 Snakehead fish; certified restaurants and retail markets.** Exempts from the prohibition against importing, possessing, transporting, purchasing, or selling any nonindigenous aquatic nuisance species without a permit any Hazard Analysis and Critical Control Point (HACCP) plan certified restaurant or retail market that purchases from an HACCP certified dealer or sells processed snakehead fish of the family Channidae.

*Patron - Ransone*

**[P]SB375 Sunday hunting; exceptions; raccoons.** Removes the prohibition on hunting or killing raccoons after 2:00 a.m. on Sunday. This bill is identical to HB 239.

*Patron - Chafin*

**[P]SB859 Arrowgun hunting; license.** Authorizes the use of an arrowgun, a pneumatic-powered air gun, for hunting and allows certain disabled hunters to obtain an archery license for hunting with an arrowgun. This bill is identical to HB 1393.

*Patron - Chafin*

**[P]SB984 Motorboats; means of propulsion; wakesurfing.** Allows a motorboat that is propelled by a means that is below the water line and forward of either the transom or an integrated swim platform to be accompanied by a person in the water. Current law allows a motorboat to be accompanied by such a wakesurfer only if the motorboat is propelled by an inboard motor. This bill is identical to HB 751.

*Patron - Cosgrove*

## Failed

**[F]HB920 Endangered species; sale of items made from certain animals; penalty.** Prohibits the sale in Virginia of any item known to be made with the parts of any of 16 listed

endangered, threatened, or extinct animals. The bill provides exceptions for certain documented antiques, musical instruments, knives, firearms, and other items. The bill provides that a violation of the prohibition is punishable as a Class 1 misdemeanor and requires that the violator pay a civil penalty of as much as \$6,500 or an amount equal to four times the fair market value of the item that is the subject of the violation, whichever is greater. Civil penalties will be deposited in the Game Protection Fund.

*Patron - Lopez*

**[F]HB1075 Poaching; revocation of hunting, trapping, or fishing license and privileges.** Requires a court to revoke for a period of 12 months the hunting, trapping, or fishing license of any person convicted of taking, or attempting to take, any wild bird, wild animal, or fish during the closed season. The bill increases from five to 10 years the maximum period for which a court may revoke a hunting, trapping, or fishing license of any person convicted for violations or second violations of certain hunting, trapping, fishing, or firearms laws or Department of Game and Inland Fisheries regulations and also authorizes a court to revoke for one to 10 years a hunting, trapping, or fishing license for violations of certain additional hunting, trapping, or fishing laws.

*Patron - Hurst*

**[F]HB1229 Towing a person on water skis, etc.** Prohibits a vessel operator from engaging in a water sport in which the vessel tows or is accompanied, with or without a rope, by a person on water skis, a surfboard, a wakeboard, or a similar device unless an additional person is in the vessel to observe the person who is accompanying the vessel. The bill prohibits the vessel operator from engaging in such water sports between the hours from one-half hour after sunset to one-half hour before sunrise or within 150 feet of a dock or other person in the water. The bill also requires each person being towed or accompanying the vessel to wear a personal flotation device.

*Patron - Hayes*

**[F]HB1414 Special license to hunt bear, deer, and turkey; fee.** Directs the Board of Game and Inland Fisheries to create a special license for hunting bear, deer, and turkey, to cost \$23 for a resident age 16 or older and \$150 for a nonresident age 16 or older. Current law provides for a license for hunting deer and turkey, at a cost of \$12 and \$60, respectively, and a separate license for hunting bear, at a cost of \$25 for residents and \$150 for nonresidents.

*Patron - Edmunds*

**[F]SB81 Landowner liability; educational activity.** Provides that a landowner whose property is used for an educational activity shall owe no duty of care to a member of the public arising out of the educational use of the land. Current law provides such an exemption for recreational activities and certain other uses of land.

*Patron - Hanger*

## Carried Over

**[C]SB838 Virginia Conservation Police Review Board.** Creates a six-member review board composed of a State Police officer and a criminal defense lawyer, both appointed by the Governor; a recreational angler and a hunter, appointed by the Speaker of the House of Delegates and the Senate Rules Committee, respectively; the chairman of the Board of Game and Inland Fisheries; and the Attorney General or his designee, who shall be a nonvoting member. The review board is tasked with reviewing (i) citizen complaints of misconduct by conservation police officers, (ii) the performance of conservation police officers in carrying out the policy of the Department of Game and Inland Fisheries (the Department), and (iii) the level of coordination and the relationships between conservation police officers and other law-enforcement agencies. The bill authorizes the review board to have access to all Department

law-enforcement records, facilities, and landholdings and requires the review board to report its findings to the Board of Game and Inland Fisheries. The bill also authorizes the review board to refer serious cases of officer misconduct to the Secretary of Natural Resources with a recommendation for disciplinary action or termination of employment.

*Patron - Spruill*

## General Assembly

### Passed

**[P]HB371 Sexual harassment training; legislative branch.** Requires General Assembly members, full-time legislative staff of General Assembly members compensated with state appropriations, and full-time employees of each legislative branch agency to complete sexual harassment training once every two calendar years. Training offered by the Office of the Clerk of the House of Delegates and the Office of the Clerk of the Senate must be substantially similar and provided to their respective members and their staff. All other legislative branch employees shall complete the sexual harassment training course offered by either Clerk. The training must be available online 24 hours per day, seven days per week and be substantially similar to any sexual harassment training course offered through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management. Persons elected to the General Assembly or commencing or recommencing full-time employment in the legislative branch will have 90 days from the election or their dates of hire to complete the training unless the person previously completed such training earlier in the same calendar year. The bill has a delayed effective date of January 1, 2019. This bill incorporates HB 1057 and is identical to SB 796.

*Patron - Robinson*

**[P]HB530 Virginia Commission on Intergovernmental Cooperation.** Provides for the Speaker of the House of Delegates to make appointments of members of the House of Delegates to serve on intergovernmental boards, committees, and commissions. Currently, appointments to intergovernmental boards, committees, and commissions of (i) state and local government officials, excluding General Assembly members, are made by the Virginia Commission on Intergovernmental Cooperation; (ii) members of the Senate are made by the Commission on Interstate Cooperation of the Senate, subject to the approval of the Chairman of the Senate Committee on Rules; and (iii) members of the House of Delegates are made by the Commission on Interstate Cooperation of the House of Delegates, subject to the approval of the Speaker of the House of Delegates.

*Patron - Thomas*

**[P]HB847 Capitol Square Preservation Council.** Changes the title of the chief officer of the Capitol Square Preservation Council from the Executive Director to the Chief Administrative Officer and authorizes the Council to enter into partnerships, joint ventures, and other collaborative relationships. The bill authorizes the Chief Administrative Officer to employ an Architectural Historian who will serve as curator for the architectural, historical, archeological, and landscape features of Capitol Square. The bill contains technical amendments. This bill is identical to SB 489.

*Patron - Peace*

**[P]HB990 Virginia Conflict of Interest and Ethics Advisory Council; deadline extensions.** Clarifies that the authority of the Virginia Conflict of Interest and Ethics Advisory Council (Council) to grant extensions from the deadline for filing disclosure forms does not extend to filings made by a

candidate for public office, as such candidate filings are not filed with the Council. This bill is identical to SB 298.

*Patron - Gilbert*

**[P]HB1505 Capitol Police; concurrent jurisdiction.** Clarifies that in any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of any county contiguous to the City of Richmond. This bill is identical to SB 885.

*Patron - Gilbert*

**[P]SB234 Autism Advisory Council; sunset.** Extends the sunset provision of the Autism Advisory Council from July 1, 2018, to July 1, 2020. This bill incorporates SB 337.

*Patron - Hanger*

**[P]SB298 Virginia Conflict of Interest and Ethics Advisory Council; deadline extensions.** Clarifies that the authority of the Virginia Conflict of Interest and Ethics Advisory Council (Council) to grant extensions from the deadline for filing disclosure forms does not extend to filings made by a candidate for public office, as such candidate filings are not filed with the Council. This bill is identical to HB 990.

*Patron - Norment*

**[P]SB406 Disposal of unclaimed personal property in possession of the Division of Capitol Police.** Provides that in addition to its existing authority to destroy unclaimed firearms and other weapons, the Division of Capitol Police may lawfully dispose of other unclaimed personal property, as defined in the bill, that has been in the possession of the Division for a period of more than 120 days.

*Patron - McDougale*

**[P]SB489 Capitol Square Preservation Council.** Changes the title of the chief officer of the Capitol Square Preservation Council from the Executive Director to the Chief Administrative Officer and authorizes the Council to enter into partnerships, joint ventures, and other collaborative relationships. The bill authorizes the Chief Administrative Officer to employ an Architectural Historian who will serve as curator for the architectural, historical, archeological, and landscape features of Capitol Square. The bill contains technical amendments. This bill is identical to HB 847.

*Patron - McDougale*

**[P]SB490 Temporary General Assembly Building; Pocahontas Building.** Designates the Pocahontas Building as the temporary General Assembly Building and a part of the Capitol Square complex until reconstruction is completed on the General Assembly Building. The bill contains an emergency clause.

*Patron - McDougale*

**[P]SB585 Chesapeake Bay Restoration Fund and Chesapeake Bay Restoration Fund Advisory Committee.** Clarifies the purposes for which grants from the Chesapeake Bay Restoration Fund (the Fund) are to be used and clarifies that guidelines for the use of such grants shall be developed by the Chesapeake Bay Restoration Fund Advisory Committee (the Committee) in accordance with such purposes. The bill shifts the date by which the Committee is required to present a plan for expenditure of any amounts in the Fund. The bill contains technical amendments.

*Patron - DeSteph*

**[P]SB633 Auditor of Public Accounts; Commonwealth Data Point; employee compensation information.** Adds state employee bonuses, total compensation, and the identifier associated with each position for which the annual rate of pay is more than \$10,000 to the list of data that must be maintained on the Auditor of Public Accounts online database. The bill has a delayed effective date of July 1, 2019.

*Patron - Dunnivant*

**[P]SB796 Sexual harassment training; legislative branch.** Requires General Assembly members, full-time legislative staff of General Assembly members compensated with state appropriations, and full-time employees of each legislative branch agency to complete sexual harassment training once every two calendar years. Training offered by the Office of the Clerk of the House of Delegates and the Office of the Clerk of the Senate must be substantially similar and provided to their respective members and their staff. All other legislative branch employees shall complete the sexual harassment training course offered by either Clerk. The training must be available online 24 hours per day, seven days per week and be substantially similar to any sexual harassment training course offered through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management. Persons elected to the General Assembly or commencing or recommencing full-time employment in the legislative branch will have 90 days from the election or their dates of hire to complete the training unless the person previously completed such training earlier in the same calendar year. The bill has a delayed effective date of January 1, 2019. This bill incorporates SB 892 and is identical to HB 371.

*Patron - Sturtevant*

**[P]SB815 Commission on Electric Utility Regulation.** Postpones the scheduled expiration of the Commission on Electric Utility Regulation from July 1, 2018, to July 1, 2020.

*Patron - Norment*

**[P]SB819 MEI Commission; report.** Clarifies that the annual report of the MEI Commission concerning endorsed incentive packages need only report on those incentive packages for which an offer has been made and publicly announced.

*Patron - Hanger*

**[P]SB885 Capitol Police; concurrent jurisdiction.** Clarifies that in any case involving the theft or misappropriation of the personal property of any member or employee of the General Assembly, the Capitol Police shall have concurrent jurisdiction with law-enforcement officers of any county contiguous to the City of Richmond. This bill is identical to HB 1505.

*Patron - McDougle*

## Failed

**[F]HB213 Virginia Freedom of Information Advisory Council; formal advisory opinions; immunity from civil penalty.** Requires that formal advisory opinions issued by the Virginia Freedom of Information Advisory Council (Council) be approved by the Council and, after such approval, be published on the Council's website. The bill also provides that no officer, employee, or member of a public body shall be found to have willfully and knowingly violated certain enumerated provisions of the Freedom of Information Act if the alleged violation resulted from his good faith reliance on a formal advisory opinion of the Council made in response to his written request for such opinion and such opinion was made after a full disclosure of the facts.

*Patron - Mullin*

**[F]HB337 Commission on Employee Retirement Security and Pension Reform; membership.** Removes the Speaker of the House of Delegates as a permanent member of the Commission on Employee Retirement Security and Pension Reform and increases the number of Delegates appointed by the Speaker to the Commission from three to four.

*Patron - Head*

**[F]HB549 State agency regulations; legislation requiring a state agency to adopt regulations that are likely to have a significant adverse economic impact.** Provides that no bill that directly or indirectly requires a state agency to adopt new or to amend existing regulations that are likely to

have a significant adverse economic impact shall be considered by the General Assembly unless the bill contains a second or final enactment clause (i) directing the state agency to develop proposed regulatory requirements by December 1 of the year in which the bill is introduced and (ii) providing that the first enactment of the bill that would directly or indirectly require the state agency to adopt new or to amend existing regulations shall not become effective unless reenacted by the following year's session of the General Assembly. The bill requires the General Assembly to thereafter reconsider the bill during the following year's session of the General Assembly along with and in light of the proposed regulatory requirements developed and put forth by the state agency. The bill defines "significant adverse economic impact" to mean that the estimated cost to citizens, professions, trades, or occupations to comply with the regulations is in excess of \$500. The bill provides that determination of whether regulations are likely to have a significant adverse economic impact shall be made by the Joint Legislative Audit and Review Commission.

*Patron - Freitas*

**[F]HB566 Virginia Conflict of Interest and Ethics Advisory Council; annual inspection of disclosure forms.** Requires the Virginia Conflict of Interest and Ethics Advisory Council to conduct an annual 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. The bill requires such random sample to include the disclosure forms of (i) one member of the House of Delegates and one Senator and (ii) one percent of all state officers and employees and one percent of all lobbyists who file such forms.

*Patron - Gooditis*

**[F]HB701 General Assembly meetings; streaming and recording.** Requires that the Clerk of the House of Delegates and the Clerk of the Senate stream with closed captioning and record (i) every subcommittee or committee meeting of a standing committee of the General Assembly, regardless of meeting date, and (ii) every floor session of the House of Delegates or the Senate, including any joint session of the houses. The bill defines a meeting as one the date and time of which have been scheduled on a public website of any agency of the General Assembly for at least one hour prior to the meeting and that takes place in the State Capitol, the Pocahontas Building, or the General Assembly Building in Richmond. The bill has a delayed effective date of October 1, 2018.

*Patron - Levine*

**[F]HB711 Commission on Educational Parity established.** Establishes the 19-member Commission on Educational Parity (the Commission), consisting of six members of the House Committee on Education, four members of the Senate Committee on Education and Health, four members of the Board of Education, and five nonlegislative citizen members, including at least one member of a parent-teacher association and at least one teacher, for the purpose of ensuring that the General Assembly and the Board of Education collaborate in the fulfillment of their constitutional duty to provide a system of high quality public elementary and secondary schools in the Commonwealth. The bill requires the Commission to (i) determine legislative priorities for achieving parity in educational outcomes for each public elementary and secondary school student in the Commonwealth, (ii) review the extent to which effective public elementary and secondary school teachers and principals are equitably distributed throughout the Commonwealth and make recommendations regarding how to more equitably distribute such effective personnel throughout the Commonwealth, and (iii) review the standards for public school buildings and maintenance and make recommendations regarding how to more equitably ensure the physical quality of the learning environment in each public elementary and secondary school. The provisions of the bill sunset on July 1, 2021.

*Patron - Adams, D.M.*

**HB785 General Assembly; Department of Planning and Budget; fiscal impact statements.** Requires the Department of Planning and Budget to prepare a fiscal impact statement for any bill, except the Budget Bill and debt bills, that increases or decreases the total revenue available for appropriation or that establishes a new state program or initiative requiring an appropriation. The fiscal impact statement would include analysis of the (i) fiscal impact estimates, (ii) impact on any state entity affected by the revenue increase or decrease or charged with administering the new program or initiative, and (iii) potential costs to citizens in terms of increased taxes. The bill also provides for each fiscal impact statement to be reviewed by the appropriate staff of the Senate Committee on Finance and the House Committee on Appropriations prior to being heard by the standing committee to consider the legislation.

*Patron - Keam*

**HB913 General Assembly Conflicts of Interests Act; disclosure of tax credits.** Requires a member of the General Assembly to report on his annual disclosure form any tax credit, with certain exceptions, allowed under the Code of Virginia that (i) the legislator, (ii) a member of his immediate family, (iii) a business owned by the legislator or a member of his immediate family, or (iv) a business in which the legislator or a member of his 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.

*Patron - Simon*

**HB946 Virginia Commission on Energy and Environment.** Establishes the Virginia Commission on Energy and Environment as a legislative commission to review and recommend steps to implement the Virginia Energy Plan. The Commission is charged, among other things, with the power and duty to (i) undertake studies and gather information and data; (ii) make recommendations as may be necessary to accomplish its purposes as set forth in the legislation; (iii) make special studies of and reports on measures to secure Virginia's energy future; (iv) establish advisory committees composed of persons with special expertise not represented by individuals serving on the Commission; (v) seek, accept, and expend gifts, grants, or donations to enable the Commission to carry out its objectives; (vi) review and make recommendations on legislation affecting energy policy to the General Assembly; and (vii) report annually on its activities during the preceding year to the Governor and the General Assembly.

*Patron - Lopez*

**HB954 Commission for a Healthy Virginia; report.** Establishes the Commission for a Healthy Virginia to (i) support the mission and vision of a healthy Virginia, (ii) define measurable outcomes that build community competence around health and well-being, and (iii) make policy recommendations for improving the health and well-being of the people of the Commonwealth.

*Patron - Adams, D.M.*

**HB989 Virginia Conflict of Interest and Ethics Advisory Council; formal advisory opinions.** Authorizes the designee of the Virginia Conflict of Interest and Ethics Advisory Council (Council) to release proposed formal advisory opinions for public comment prior to the Council's approval of such opinions. The bill provides that such proposed opinions do not confer the same immunity protections as formal advisory opinions until their approval by the Council.

*Patron - Gilbert*

**HB1053 Policies against workplace harassment; legislative branch.** Requires each legislative branch agency to adopt and implement the Commonwealth Workplace Harassment Policy (CWHP) established by the Department of Human Resource Management (DHRM). CWHP will apply to legislative branch employees, including General Assembly members and members-elect, when undertaking meetings with other state employees, contract employees, applicants for employ-

ment, customers, vendors, members of the media, members of the public, volunteers, or lobbyists or conducting or performing reelection activities in the scope of official duties.

A victim of alleged workplace harassment will be able to file a complaint against a legislative branch employee, other than a member of the General Assembly, in accordance with the procedures of CWHP or with the Division of Human Rights in the Office of the Attorney General. The Division of Human Rights is authorized to investigate the complaint and use any other powers with regard to the complaint granted to it under law. Each house of the General Assembly is required to adopt rules governing procedures and disciplinary sanctions for General Assembly members violating policies against workplace harassment.

General Assembly members and members-elect, full-time legislative staff of General Assembly members compensated with state appropriations, and full-time employees of each legislative branch agency will be required to complete workplace harassment training once every two calendar years through the Commonwealth of Virginia Learning Center, administered by DHRM. A primary component of the training will include sexual harassment training. The training will also address the importance of bystanders in reducing workplace harassment. Persons elected to the General Assembly or commencing or recommencing full-time employment in the legislative branch will have 90 days from the election or their dates of hire to complete the training.

DHRM will be required to maintain electronic records for five years for each person successfully completing workplace harassment training. Each record will include the name of the person completing the training, the state agency employer, the date the training was completed, and the name of the training course.

Each agency head in the legislative branch is responsible for ensuring that the agency's full-time employees successfully complete the training as required.

The bill has a delayed effective date of January 1, 2019.

*Patron - Watts*

**HB1057 Sexual harassment training; legislative branch.** Requires General Assembly members, full-time legislative staff of General Assembly members compensated with state appropriations, and full-time employees of each legislative branch agency to complete sexual harassment training once every calendar year through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management (DHRM). Persons elected to the General Assembly or commencing or recommencing full-time employment in the legislative branch will have 90 days from the election or their dates of hire to complete the training. The bill requires DHRM to maintain electronic records for five years for each person successfully completing sexual harassment training. Each record will include the name of the person completing the training, the name of the state agency that employs him, the date on which the training was completed, and the name of the training course. The bill directs that each agency head in the legislative branch be responsible for ensuring that the agency's full-time employees complete the training as required. The bill has a delayed effective date of January 1, 2019.

*Patron - Watts*

**HB1195 Joint Commission to Evaluate Professional and Occupational Licensing Requirements; report.** Creates the Joint Commission to Evaluate Professional and Occupational Licensing Requirements of the various regulatory boards within the Department of Professional and Occupational Regulation. The bill provides that to assist the Joint



Commission in carrying out its powers and duties, the General Assembly shall adopt a schedule for its timely review of the statutory and regulatory professional and occupational licensing requirements of the regulatory boards within the Department of Professional and Occupational Regulation. The schedule adopted shall require that no less than 20 percent of such licensing requirements be reviewed annually, and the bill states that the General Assembly may delegate the process of adopting such schedule to the Joint Commission on Administrative Rules.

*Patron - Cline*

**[F]HB1200 General Assembly; Department of Planning and Budget; fiscal impact statements.** Requires the Department of Planning and Budget to prepare a fiscal impact statement for any bill, except the Budget Bill and debt bills, that increases or decreases the total revenue available for appropriation or that establishes a new state program or initiative requiring an appropriation. The fiscal impact statement would include analysis of the (i) fiscal impact estimates, (ii) impact on any state entity affected by the revenue increase or decrease or charged with administering the new program or initiative, and (iii) potential costs to citizens in terms of increased taxes. The bill also provides for each fiscal impact statement to be reviewed by the appropriate staff of the Senate Committee on Finance and the House Committee on Appropriations prior to being heard by the standing committee to consider the legislation.

*Patron - Cline*

**[F]HB1540 Commission on Civic Education; sunset; membership.** Extends the sunset provision of the Commission on Civic Education from July 1, 2019, to July 1, 2020. The bill also increases the Commission's membership from 15 to 19 by adding one member of the House of Delegates, one member of the Senate, and two nonlegislative citizen members.

*Patron - Landes*

**[F]HB1591 General Assembly; consideration of legislation; publication of support and opposition reports.** Requires any House of Delegates or Senate committee of purview or subcommittee thereof to report the disposition taken on a bill, resolution, amendment in the nature of a substitute, joint resolution, or budget amendment considered by the committee or subcommittee, together with a list of all organizations that testified in support of or in opposition to such legislation before the committee or subcommittee. The bill requires that the committee's or subcommittee's report be posted on the General Assembly's website.

The bill requires the chairman of the committee or subcommittee to ask each individual who addresses the committee or subcommittee with respect to a bill, resolution, amendment in the nature of a substitute, joint resolution, or budget amendment whether the individual's statements are being made on behalf of a business, organization, trade association, other association, affiliate, or other similar entity, regardless of whether the individual is being compensated in any manner for such statements. Any individual who confirms that his statements are being made on behalf of an entity is required under the bill to report for the record the name of the same.

*Patron - Kory*

## Carried Over

**[C]HB246 Virginia Code Commission; duties.** Limits the duties of the Virginia Code Commission relating to the codification of laws enacted by the General Assembly to codifying only those laws for which the General Assembly has expressed its intent for such laws to be codified through the title of the bills relating to such laws. The bill also prohibits the Commission from excluding from the Code of Virginia a law for which

the General Assembly has expressed its intent for the same to be codified through the title of the bill.

In addition, beginning with the 2018 Regular Session of the General Assembly, the Commission will be required to arrange for (i) the printing or (ii) the publication on a legislative branch agency website of all enactments of a chapter of the acts of assembly if any provision of the chapter is codified as a law. Such enactments will be printed or published on a legislative branch agency website as they appear in the chapter of the acts of assembly.

Currently, the Commission is charged with maintaining a Code of the general and permanent statutes of the Commonwealth. In carrying out this charge, the Commission may codify laws for which the title of the related bill did not provide for any change to the Code (Section 1 bills and certain final enactment clauses) and may exclude from the Code laws for which the title of the related bill actually provided for changes to the Code.

*Patron - Habeeb*

**[C]SB289 Virginia Conflict of Interest and Ethics Advisory Council; public documents; redactions.** Specifies that the Virginia Conflict of Interest and Ethics Advisory Council shall not redact from any document or form made available to the public any business name.

*Patron - McClellan*

## General Provisions

### Passed

**[P]HB459 Official designations; state salamander.** Designates the red salamander (*Pseudotriton ruber*) as the state salamander of Virginia.

*Patron - Filler-Corn*

### Failed

**[F]HB408 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]HB677 Official designations; state poem.** Designates "The New Dominion" by Edward W. Lull as the state poem of Virginia.

*Patron - Pogge*

**[F]HB1330 Elimination of daylight saving time in Virginia.** Exempts Virginia from observing daylight saving time, thereby making Eastern Standard Time the standard time in Virginia year-round. The bill has a delayed effective date of November 4, 2018.

*Patron - Freitas*

**[F]SB970 Official emblems and designations; state grape.** Designates the muscadine grape as the state grape.

*Patron - Ruff*

## Health

### Passed

**HB175 Certain hospital licenses; effective date.** Provides that a license issued to an acute care hospital located in Patrick County that was valid on September 1, 2017, and remained valid on December 31, 2017, despite the closure of such hospital prior to December 31, 2017, shall continue to remain valid until December 31, 2018. The bill is effective retroactively to December 31, 2017. The bill contains an emergency clause and is identical to SB 866.

*Patron - Poindexter*

**HB192 Rainwater and gray water; regulations.** Directs the State Department of Health (the Department) to adopt regulations regarding the use of gray water and rainwater. The regulations shall provide standards for the use of rainwater harvesting systems, which shall include systems that collect rainwater for use by commercial enterprises but do not provide water for human consumption. Such regulations shall not apply to nonpotable water, including graywater and rainwater, that is used by certain specified facilities. The bill also directs the Department to consider recognizing rainwater as an independent source of fresh water. This bill received Governor's recommendations.

*Patron - Yancey*

**HB501 Home hospice programs; disposal of drugs.** Requires every hospice to develop policies and procedures for the disposal of drugs dispensed as part of the hospice plan of care for a patient, which shall include requirements that such disposal be (i) performed in a manner that complies with all state and federal requirements for the safe disposal of drugs by a licensed nurse, physician assistant, or physician who is employed by or has entered into a contract with the hospice program; (ii) witnessed by a member of the patient's family or a second employee of the hospice program who is licensed by a health regulatory board within the Department of Health Professions; and (iii) documented in the patient's medical record.

*Patron - Hodges*

**HB778 Air medical transportation; informed decision.** Requires each hospital to establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition, the hospital provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan. The provisions of such requirement become effective on March 1, 2019. The bill directs the Office of Emergency Medical Services to develop a mechanism no later than January 1, 2019, to disclose to a patient, prior to services provided by an out-of-network air transport provider, a good faith estimate of the range of typical charges for out-of-network air transport services provided in that geographic area.

*Patron - Ransone*

**HB879 Hospitals and nursing homes; frequency of inspections.** Clarifies, in provisions governing frequency of hospital and nursing home inspections, that a second inspection of a hospital or nursing home that has previously been inspected may be performed before all other hospitals and nursing homes in the Commonwealth have been inspected only in cases in which the subsequent inspection is performed in conjunction with an inspection required by the Centers for

Medicare and Medicaid Services. The bill contains an emergency clause.

*Patron - Orrock*

**HB886 Admissions for mental health treatment; toxicology.** Requires the Board of Health to include in regulations governing hospitals a provision that requires every hospital that provides inpatient psychiatric services to establish a protocol that requires, for every refusal to admit a patient for whom there is a question of medical stability or medical appropriateness for admission due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested to do so by the referring physician.

*Patron - Stolle*

**HB887 Onsite sewage systems; maintenance.** Provides that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system and thus does not require a permit. Under current law, adjustment and replacement of such equipment requires the system owner to obtain a permit. This bill received Governor's recommendations.

*Patron - Orrock*

**HB888 Onsite sewage systems; evaluation and design services.** Directs the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department. The bill provides specific requirements and a timeline for such elimination. This bill received Governor's recommendations.

*Patron - Orrock*

**HB1003 Health care data reporting; penalty for failure to report.** Provides that any medical care facility that fails to report data on utilization of services for which a certificate of public need is required or data on charity care provided to satisfy the conditions of a certificate of public need shall be subject to a civil penalty of up to \$100 per day.

*Patron - Byron*

**HB1088 Hospitals; security and emergency department staff; mental health training.** Requires the Board of Health to include in its regulations governing licensed hospitals a requirement that every hospital with an emergency department establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients and others who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis.

*Patron - Boysko*

**HB1157 Substance-exposed infants; plan for services; report.** Provides that the Department of Health (the Department) shall serve as the lead agency with responsibility for the development, coordination, and implementation of a plan for services for substance-exposed infants in the Commonwealth. Such plan shall (i) support a trauma-informed approach to identification and treatment of substance-exposed infants and their caregivers and (ii) include (a) options for improving screening and identification of substance-using pregnant women, (b) use of multidisciplinary approaches to intervention and service delivery during the prenatal period and following the birth of the substance-exposed child, and (c) referral among providers serving substance-exposed infants

and their families and caregivers. The bill requires the Department to report annually to the General Assembly regarding implementation of the plan. This bill is identical to SB 389.

*Patron - Pillion*

**HB1158 Death certificates; medical certification; electronic filing; hospice.** Requires a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program who first assumes custody of a dead body to complete and file a certificate of death with the State Registrar of Vital Records using the Electronic Death Registration System and provides that when a death occurs under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate. This bill is identical to SB 309.

*Patron - Wilt*

**HB1174 Newborn screening; lysosomal storage disorders.** Directs the Board of Health to amend regulations governing newborn screening to include screening for Pompe disease and mucopolysaccharidosis type 1 (MPS-1). This bill is identical to SB 449.

*Patron - Pillion*

**HB1197 Stroke care quality improvement.** Provides that the Department of Health shall be responsible for stroke care quality improvement initiatives in the Commonwealth. Such initiatives shall include (i) establishing systems to collect data and information about stroke care in the Commonwealth, (ii) facilitating information and data sharing and collaboration among hospitals and health care providers to improve the quality of stroke care in the Commonwealth, (iii) requiring the application of evidence-based treatment guidelines for transitioning patients to community-based follow-up care following acute treatment for stroke, and (iv) establishing a process for continuous quality improvement for the delivery of stroke care by the statewide system for stroke response and treatment. The bill also directs the Department of Health to convene a group of stakeholders, which shall include representatives of (a) hospital systems, including at least one hospital system with at least six or more stroke centers in the Commonwealth, recommended by the Virginia Hospital and Healthcare Association; (b) the Virginia Stroke Systems Task Force; and (c) the American Heart Association/American Stroke Association, to advise on the implementation of stroke care quality improvement initiatives. The provisions of the bill making the Department of Health responsible for stroke care quality improvement initiatives in the Commonwealth have a delayed effective date of January 1, 2019. This bill is identical to SB 867.

*Patron - Garrett*

**HB1198 Certified stroke centers; designation of hospitals.** Expands the list of certified stroke center designations for hospitals included in regional stroke triage plans to include comprehensive stroke centers, primary stroke centers with supplementary levels of stroke care distinction, and acute stroke-ready hospitals and adds the American Heart Association to the list of entities authorized to provide certification of such hospitals. This bill is identical to SB 868.

*Patron - Garrett*

**HB1362 Division of Consolidated Laboratory Services; availability of testing services.** Requires the Division of Consolidated Laboratory Services, or any other laboratory with which the Department of Health has contracted, to provide screening tests for time-critical disorders for newborns and children seven days a week. The bill has a delayed effective date of January 1, 2019.

*Patron - Austin*

**HB1366 Home care organization; licensure; multiple locations.** Provides that any licensed home care organization may establish one or more branch offices serving portions of the total geographic area served by the licensee, provided

that each branch office operates under the supervision and administrative control of the licensee and that the address of each branch office is submitted to the Department of Health and included on any license issued to the licensee. The bill directs the Department of Health to issue an updated license including the address of the newly established branch office to the home care organization within 10 business days of receipt of notice that the home care organization has established the branch office. Currently, a licensed home care organization cannot establish branch offices unless the Commissioner of Health issues a license authorizing the licensee to provide services at one or more branch offices and the address of each branch office is listed on such license.

*Patron - Bell, Richard P.*

**HB1534 Department of Health; means of protecting the public from cancer caused by radon.** Directs the Department of Health to review consumer complaints regarding radon testing and mitigation received since 2013 and the current certification requirements for individuals performing radon testing and mitigation and to determine the benefits of any additional oversight for individuals performing radon testing and mitigation. The Department shall report its findings and any recommendations to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2018.

*Patron - Bell, Richard P.*

**SB28 Medical research on dogs and cats; prohibition on use of state funds.** Prohibits the use of any funds appropriated, granted, or awarded by the Commonwealth by any person or entity, public or private, to directly fund medically unnecessary research classified under pain and distress category E by the U.S. Department of Agriculture on animal subjects. The direct funding of research shall not include the appropriation, grant, or award of funds for the construction or maintenance of facilities; the purchase or maintenance of general-use equipment; overhead costs; capital improvements; or faculty or employee salaries.

*Patron - Stanley*

**SB222 Medically or ethically inappropriate care not required.** Establishes a process whereby a physician may cease to provide health care that has been determined to be medically or ethically inappropriate for a patient. This bill is identical to HB 226.

*Patron - Edwards*

**SB269 Patient notice of observation or outpatient status.** Provides that, for Medicare patients placed in observation or outpatient status, any hospital that provides a written notice and an oral explanation of such notice to the patient that satisfies the federal requirements for such notice shall be deemed to have satisfied Virginia's requirements for such notice. The bill also extends the timeframe for the provision of the notice required by current law from 24 hours to 36 hours. This bill incorporates SB 281.

*Patron - Black*

**SB287 Statewide Trauma Registry; spinal cord injuries.** Provides that the Commissioner of Health shall make information contained in the Statewide Trauma Registry available to the Department for Aging and Rehabilitative Services to allow the Department to develop and implement programs and services for persons suffering from spinal cord injuries.

*Patron - McClellan*

**SB304 Emergency medical services vehicles; temporary permit.** Provides that a temporary permit for an emergency medical services vehicle that does not meet required standards is valid for a period of 90 days from the end of the month of issue. Under current law, such permit is valid for a period not to exceed 60 days.

*Patron - Marsden*

**SB305 Department of Health; cognitive impairment.** Directs the Department of Health, in partnership with the Alzheimer's Disease and Related Disorders Commission, the Department for Aging and Rehabilitative Services, and the Alzheimer's Association, to incorporate in its existing, relevant public health outreach programs information (i) to educate health care providers on the importance of early detection and timely diagnosis of cognitive impairment, validated cognitive assessment tools, the value of a Medicare Annual Wellness visit for cognitive health, and the new Medicare care planning billing code for individuals with cognitive impairment and (ii) to increase understanding and awareness of early warning signs of Alzheimer's disease and other types of dementia, the value of early detection and diagnosis, and how to reduce the risk of cognitive decline, particularly among persons in diverse communities who are at greater risk of developing Alzheimer's disease and other types of dementia. This bill incorporates SB 327.

*Patron - Dance*

**SB309 Death certificates; medical certification; electronic filing; hospice.** Requires a licensed funeral director, funeral service licensee, or representative of the office of the state anatomical program who first assumes custody of a dead body to complete and file a certificate of death with the State Registrar of Vital Records using the Electronic Death Registration System and provides that when a death occurs under the care of a hospice provider, the medical certification shall be completed by the decedent's health care provider and filed electronically with the State Registrar of Vital Records using the Electronic Death Registration System for completion of the death certificate. This bill is identical to HB 1158.

*Patron - Cosgrove*

**SB310 Department of Medical Assistance Services; eligibility for services under waiver.** Directs the Department of Medical Assistance Services to make recommendations regarding changes that provide flexibility to an individual enrolled in a home and community-based waiver to choose his place of residence in the Commonwealth.

*Patron - DeSteph*

**SB347 Statewide cancer registry; information on firefighters.** Provides that one purpose of the statewide cancer registry shall be to collect data to evaluate potential links between exposure to fire incidents and cancer incidence.

*Patron - Peake*

**SB389 Substance-exposed infants; plan for services; report.** Provides that the Department of Health (the Department) shall serve as the lead agency with responsibility for the development, coordination, and implementation of a plan for services for substance-exposed infants in the Commonwealth. Such plan shall (i) support a trauma-informed approach to identification and treatment of substance-exposed infants and their caregivers and (ii) include (a) options for improving screening and identification of substance-using pregnant women, (b) use of multidisciplinary approaches to intervention and service delivery during the prenatal period and following the birth of the substance-exposed child, and (c) referral among providers serving substance-exposed infants and their families and caregivers. The bill requires the Department to report annually to the General Assembly regarding implementation of the plan. This bill is identical to HB 1157.

*Patron - Chafin*

**SB399 Local or regional overdose fatality review teams.** Authorizes any county or city, or any combination of counties, cities, or counties and cities, to establish a local or regional overdose fatality review team for the purpose of (i) conducting contemporaneous reviews of local overdose deaths, (ii) promoting cooperation and coordination among agencies involved in investigations of overdose deaths or in providing services to surviving family members, (iii) developing an understanding of the causes and incidence of overdose deaths in the locality, (iv) developing plans for and recommending

changes within the agencies represented on the local team to prevent overdose deaths, and (v) advising the Department of Health and other relevant state agencies on changes to law, policy, or practice to prevent overdose deaths. The bill authorizes a local or regional team to review the death of any person who resides in the Commonwealth and whose death was or is suspected to be due to overdose. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor.

*Patron - Lewis*

**SB449 Newborn screening; lysosomal storage disorders.** Directs the Board of Health to amend regulations governing newborn screening to include screening for Pompe disease and mucopolysaccharidosis type 1 (MPS-1). This bill is identical to HB 1174.

*Patron - Chafin*

**SB663 Air medical transportation; informed decision.** Requires each hospital to establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition, the hospital provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan. The provisions of such requirement become effective on March 1, 2019. The bill directs the Office of Emergency Medical Services to develop a mechanism no later than January 1, 2019, to disclose to a patient, prior to services provided by an out-of-network air transport provider, a good faith estimate of the range of typical charges for out-of-network air transport services provided in that geographic area.

*Patron - McPike*

**SB703 Out-of-state emergency medical services providers.** Authorizes an emergency medical services provider who holds a valid license or certification in a state that borders the Commonwealth to provide emergency medical services in the Commonwealth if such services are provided at a widely attended event open to the public and, due to the expected number of attendees, the anticipated need for emergency medical services at the event is beyond the capacity of local emergency medical services providers. The bill requires that notice and certain information be provided to the Commissioner of Health. The bill provides that any out-of-state emergency medical services provider who holds a license or certification in a state that has entered into an interstate compact of which the Commonwealth is a member or any other interstate agreement with the Commonwealth regarding emergency medical services providers will be governed by the provisions of such compact or agreement.

*Patron - Ruff*

**SB725 Posting human trafficking hotline information.** Requires local departments of health, the Department of Transportation, each rest area in the Commonwealth, and certain health care facilities to post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance.

*Patron - Dunnivant*

**SB866 Certain hospital licenses; effective date.** Provides that a license issued to an acute care hospital located in Patrick County that was valid on September 1, 2017, and remained valid on December 31, 2017, despite the closure of such hospital prior to December 31, 2017, shall continue to remain valid until December 31, 2018. The bill is effective ret-

roactively to December 31, 2017. The bill contains an emergency clause and is identical to HB 175.

*Patron - Stanley*

**SB867 Stroke care quality improvement.** Provides that the Department of Health shall be responsible for stroke care quality improvement initiatives in the Commonwealth. Such initiatives shall include (i) establishing systems to collect data and information about stroke care in the Commonwealth, (ii) facilitating information and data sharing and collaboration among hospitals and health care providers to improve the quality of stroke care in the Commonwealth, (iii) requiring the application of evidence-based treatment guidelines for transitioning patients to community-based follow-up care following acute treatment for stroke, and (iv) establishing a process for continuous quality improvement for the delivery of stroke care by the statewide system for stroke response and treatment. The bill also directs the Department of Health to convene a group of stakeholders, which shall include representatives of (a) hospital systems, including at least one hospital system with at least six or more stroke centers in the Commonwealth, recommended by the Virginia Hospital and Healthcare Association; (b) the Virginia Stroke Systems Task Force; and (c) the American Heart Association/American Stroke Association, to advise on the implementation of stroke care quality improvement initiatives. The provisions of the bill making the Department of Health responsible for stroke care quality improvement initiatives in the Commonwealth have a delayed effective date of January 1, 2019. This bill is identical to HB 1197.

*Patron - McPike*

**SB868 Certified stroke centers; designation of hospitals.** Expands the list of certified stroke center designations for hospitals included in regional stroke triage plans to include comprehensive stroke centers, primary stroke centers with supplementary levels of stroke care distinction, and acute stroke-ready hospitals and adds the American Heart Association to the list of entities authorized to provide certification of such hospitals. This bill is identical to HB 1198.

*Patron - McPike*

**SB943 Medical assistance services; renewal information.** Requires the Department of Medical Assistance Services to provide a quarterly report to each managed care organization that is contracted with the State Department of Health to provide services through the Medicaid managed care program that specifies the medical assistance application renewal date for each recipient of medical assistance services who has been attributed to the managed care organization. The bill provides certain disclosure protections for such provided information.

*Patron - McPike*

**SB959 Disposition of unclaimed dead body; final orders of transportation and disposition.** Provides that in cases in which a county or city attorney or the attorney for the Commonwealth for a county or city requests an order for transportation and disposition of an unclaimed dead body, the attorney shall do so forthwith and without delay and shall request that the order be entered by the court within one business day. The bill also provides that the request shall include instructions for the transportation and disposition of the unclaimed dead body and that the final order may direct the clerk to provide a copy of the final order to the attorney who has submitted the request.

*Patron - McDougle*

## Failed

**HB157 Right to treat; requirement of Maintenance of Certification prohibited.** Prohibits hospitals and other entities that have organized medical staff or a process for credentialing physicians as members of staff or employ or enter into contracts for employment with physicians and are required to

be licensed from requiring any Maintenance of Certification or Osteopathic Continuous Certification, as defined in the bill, as a condition of granting or continuing staff membership or professional privileges to a licensed physician. The bill prohibits accident and sickness insurance plans, health services plans, and health maintenance organizations from requiring any Maintenance of Certification or Osteopathic Continuous Certification as a condition of participation or reimbursement for a physician licensed by the Board of Medicine; and prohibits the Board of Medicine from requiring any Maintenance of Certification or Osteopathic Continuous Certification as a condition of licensure to practice medicine in the Commonwealth.

*Patron - Rasoul*

**HB309 Nursing home standards of care.** Increases the staffing and care standards in nursing homes to require a minimum of specific direct care services to each resident per 24-hour period.

*Patron - Watts*

**HB315 Death certificates; medical certification; electronic filing.** Provides that the medical certification portion of a death certificate shall be filed electronically through the Electronic Death Registration System unless the physician or other person authorized to complete a medical certification notifies the State Registrar of Vital Records that he chooses not to participate in the electronic death registration system.

*Patron - Head*

**HB348 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). This bill also repeals provisions of the Code of Virginia establishing the Medicaid Innovation and Reform Commission.

*Patron - Sickles*

**HB379 Office of Chief Medical Examiner; collection of fees.** Prohibits the Office of the Chief Medical Examiner (the Office) from charging a fee for any services provided in connection with death investigations unless such fees are expressly authorized by statute.

*Patron - Habeeb*

**HB407 Birth certificates; change of sex.** Eliminates the requirement that a person provide a certified copy of an order of a court of competent jurisdiction indicating that his sex has been changed by medical procedure for amendment of a birth certificate to reflect a change of sex and authorizes the Board of Health to adopt regulations setting forth the requirements necessary for amendment of a birth certificate to reflect change of sex. The bill provides that such requirements may include a requirement that the person requesting the amendment submit an affidavit provided by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for the purpose of gender transition but shall not include any requirement for evidence or documentation of any medical procedure.

*Patron - Boysko*

**HB429 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of a new ambulatory surgery center located in the City of Danville that will provide health care services related to the practice of gastroenterology.

*Patron - Marshall*

**HB565 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, 2019.

*Patron - Gooditis*

**HB607 Department of Behavioral Health and Developmental Services; recovery community organization pilot program.** Directs the Department of Behavioral Health and Developmental Services to implement a pilot program to evaluate the recovery community organization model of substance abuse treatment.

*Patron - Carr*

**HB644 Required immunizations; meningococcal conjugate.** Requires the Board of Health to include in regulations governing the immunization of school children a requirement for one dose of meningococcal conjugate (MCV4) vaccine administered before the child enters the sixth grade. The bill has a delayed effective date of July 1, 2019.

*Patron - Hope*

**HB660 Death investigations; Sudden Unexpected Death in Epilepsy.** Requires the Chief Medical Examiner to develop protocols for the investigation of deaths of individuals with seizure disorders to ensure the proper identification of deaths resulting from Sudden Unexpected Death in Epilepsy (SUDEP). The bill provides that in cases involving a finding of death from SUDEP, within 30 days of such finding the Chief Medical Examiner must notify the North American SUDEP Registry and provide to the next of kin of the deceased information regarding the benefits of and process for (i) submitting the deceased's medical information, including information about the deceased's history of epilepsy and seizures, to the North American SUDEP Registry and (ii) donating the deceased's blood, brain, and heart for the purpose of scientific study. The bill also requires the Chief Medical Examiner to develop, together with the Commissioner of Health, training for medical examiners on SUDEP and the proper identification of deaths resulting from SUDEP and requires every medical examiner appointed by the Chief Medical Examiner to receive such training annually.

*Patron - Murphy*

**HB673 Transitional Medical Assistance Services Program established.** Establishes the Transitional Medical Assistance Services Program (the Program) to provide medical assistance services to individuals transitioning from the Commonwealth's program for medical assistance services pursuant to Title XIX of the Social Security Act to self-sufficiency. The bill sets out eligibility criteria for participation in the Program, including annual premium payments, and requires the Secretary of Health and Human Resources to develop a plan for implementation of the Program by December 1, 2018. The bill has a delayed effective date of July 1, 2019.

*Patron - Davis*

**HB675 Onsite treatment works; effluent quality standards and maintenance requirements.** Directs the Board of Health to publish a Notice of Intended Regulatory Action for the regulations for alternative onsite sewage systems no later than October 1, 2018, and to work with stakeholders to consider such regulatory amendments related to requirements governing sampling, field sampling procedures, performance

requirements, and such other revisions to the regulations as may be deemed necessary by the Board.

*Patron - Hodges*

**HB682 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of a new ambulatory surgery center located in Planning District 23 that will provide orthopedic services.

*Patron - Pogge*

**HB695 Medicaid; work requirement.** Directs the Secretary of Health and Human Resources to apply for a waiver to implement a work requirement for able-bodied adult recipients of medical assistance services.

*Patron - Poindexter*

**HB730 Certificate of public need; ophthalmic ambulatory surgical centers.** Repeals the requirement for a certificate of public need for certain projects involving ambulatory surgical centers specializing in the provision of ophthalmic services. The bill creates a new permitting process for such projects, exempted from the certificate of public need process, that requires the Commissioner of Health to issue a permit upon the agreement of the applicant to certain charity care conditions and quality of care standards.

*Patron - Head*

**HB731 Department of Medical Assistance Services; payment for certain services to hospice patients.** Directs the Department of Medical Assistance Services to implement a process for direct payment of nursing facility or ICF/MR services for hospice patients receiving services in a nursing facility or ICF/MR if such patient would be eligible for medical assistance for nursing facility or ICF/MR services had he not elected to receive hospice care.

*Patron - Head*

**HB759 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of a new ambulatory surgery center located in Planning District 5 for the provision of endoscopic services.

*Patron - Head*

**HB832 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for open heart services in Planning District 8, provided that certain conditions are met. The bill provides that the Commissioner shall not deny the application on the basis of the economic or service volumes impact on existing providers.

*Patron - Bell, Richard P.*

**HB872 Hospitals and nursing homes; frequency of inspections.** Clarifies, in provisions governing frequency of hospital and nursing home inspections, that a second inspection of a hospital or nursing home that has previously been inspected may be performed before all other hospitals and nursing homes in the Commonwealth have been inspected in cases in which the subsequent inspection is necessary to comply with federal regulations governing inspection and certification of hospitals and nursing homes.

*Patron - Orrock*

**HB882 Prescribers; notice of administration of naloxone.** Requires every hospital that operates an emergency department to develop and implement a protocol for (i) identifying every prescriber who has prescribed opioids to a patient to whom naloxone is administered for the purpose of reversing an opioid overdose in the emergency department or by emergency medical services personnel or a law-enforcement officer prior to admission to the emergency department in the twelve month period immediately preceding the administration of naloxone and (ii) notifying each such prescriber that the patient has been treated with naloxone for the purpose of reversing an

opioid overdose. Such notification shall be made in each case in which naloxone is administered for the purpose of reversing an opioid overdose by a health care provider in a hospital emergency department, emergency medical services personnel, or a law-enforcement officer to a patient to whom opioids have been prescribed by a prescriber.

*Patron - Stolle*

**HB918 Certificate of public need; certain projects.** Provides a permitting process for projects converting into an outpatient or ambulatory surgical center (i) that portion of a physician's office developed for the provision of outpatient or ambulatory surgery for which the applicant has a certificate of public need or (ii) a surgical suite within a physician's office that does not require a certificate of public need and that has been operating for at least two continuous years. The bill exempts such projects from the certificate of public need process and requires the Commissioner of Health to issue a permit upon the agreement of the applicant to certain charity care conditions and quality of care standards.

*Patron - Landes*

**HB979 Drinking water; lead levels.** Directs the State Board of Health to adopt regulations establishing the action level for lead in drinking water as no more than 10 parts per billion beginning January 1, 2019, and no more than five parts per billion beginning January 1, 2023. The bill authorizes the Board to establish lower action levels for lead in drinking water.

*Patron - Rodman*

**HB1002 Permits for certain medical care facility projects; civil penalty.** Exempts projects in Planning District 11, other than those involving nursing homes, from the requirement to obtain a certificate of public need and creates a permitting process for projects in Planning District 11 that requires the Commissioner of Health to issue a permit for a project but requires the Commissioner to condition the permit on (i) the agreement of the applicant to provide a specialized level of care at a reduced rate to indigent patients, 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 (ii) compliance of the applicant with quality of care standards adopted by the Board of Health. The bill provides that lack of compliance is subject to a civil penalty.

*Patron - Byron*

**HB1056 Medical assistance; determination of income; personal needs allowance.** Provides that, when determining the income of a recipient of medical assistance services who is receiving long-term care in a medical institution or intermediate care facility, the Department shall disregard a personal needs allowance in an amount that is at least \$150 and that the amount of the personal needs allowance shall be adjusted annually to reflect changes in the Consumer Price Index, all urban consumers (CPI-U).

*Patron - Simon*

**HB1102 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, 2018; (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, 2018; (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 Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2018.

*Patron - Stolle*

**HB1107 Medicaid funds.** Creates the Medicaid Legacy Fund (the Fund), to consist of all federal and state Medicaid funds, including any funds made available as enhanced match under 42 U.S.C. § 1396d(y). Moneys in the Fund shall be used for paying the cost of medical assistance services. Moneys remaining in the Fund at the end of the fiscal year shall be deposited in the Medicaid Legacy Investment Fund and invested, and proceeds shall be disbursed to and deposited in the Fund at the beginning of the next fiscal year to be used to pay a portion of the cost of medical assistance services. The amount of revenue appropriated by the General Assembly in any year in which funds are disbursed from the Medicaid Legacy Investment Fund to the Fund shall be reduced by the amount transferred from the Medicaid Legacy Investment Fund to the Fund. The bill directs the Board of the Virginia Retirement System to manage the Medicaid Legacy Investment Fund. The bill also provides that upon adoption of any measure expanding eligibility for medical assistance services to include individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII), the Secretary of Health and Human Resources shall apply for a waiver to allow the Commonwealth



to receive federal funds for medical assistance services as an annual payment at the beginning of each fiscal year.

*Patron - Yancey*

**HB1140 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of and related equipment for a freestanding diagnostic imaging center located in Planning District 15 that will provide diagnostic imaging services using magnetic resonance imaging (MRI) and computed tomographic (CT) scanning on an outpatient basis.

*Patron - Robinson*

**HB1172 Overdose death review teams.** Establishes the State Overdose Death Review Process Team to develop and implement processes to ensure that overdose deaths occurring in the Commonwealth are reviewed in a systematic way. The bill also authorizes the establishment of local or regional overdose death review process teams for the purpose of conducting contemporaneous reviews of local overdose deaths in order to develop interventions and strategies for prevention specific to the locality or region.

*Patron - Pillion*

**HB1175 Prescribers; notice of administration of naloxone.** Requires every hospital that operates an emergency department to develop and implement a protocol for (i) identifying every prescriber who has prescribed opioids to a patient to whom naloxone is administered for the purpose of reversing an opioid overdose in the emergency department or by emergency medical services personnel or a law-enforcement officer prior to admission to the emergency department and (ii) notifying each such prescriber that the patient has been treated with naloxone for the purpose of reversing an opioid overdose. Such notification shall be made in each case in which naloxone is administered for the purpose of reversing an opioid overdose by a health care provider in a hospital emergency department, emergency medical services personnel, or a law-enforcement officer to a patient to whom opioids have been prescribed by a prescriber.

*Patron - Pillion*

**HB1182 Perinatal hospice and palliative care; notice.** Requires every health care provider that diagnoses a fetus with a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth to provide the pregnant women with geographically indexed materials prepared by the Department of Health that are designed to inform the woman of public and private agencies providing perinatal hospice and palliative care services available to the woman if she chooses to continue the pregnancy, and requires the Department of Health to make such information available both to health care providers and on a website maintained by the Department. The bill also requires health care providers to annually report data and information about cases in which information regarding perinatal hospice and palliative care services is provided.

*Patron - LaRock*

**HB1211 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of and related equipment for a freestanding diagnostic imaging center located in Planning District 19 that will provide diagnostic imaging services using magnetic resonance imaging (MRI) and computed tomographic (CT) scanning on an outpatient basis.

*Patron - Robinson*

**HB1217 Waterworks; yield testing; monitoring of existing active wells.** Provides that, prior to issuing a permit to operate a waterworks, the Commissioner of Health shall require a yield test of such waterworks system, which shall include monitoring of all active wells located within 500 feet of the water source for the waterworks system for which the

permit is sought or, if no existing active wells are located within 500 feet of such water source, of all existing active wells located on lots that are adjacent to the lot on which the water source is located to determine the impact of the waterworks for which a permit is sought on such existing active wells. The Commissioner shall deny the permit if, during the course of such monitoring, any of such existing active wells shows a reduction in well efficiency of five percent or more or is unable to supply the dwelling it serves with a continuous water supply for a minimum of 20 minutes at the maximum pumping rate.

*Patron - Hugo*

**HB1234 Water supplies and water works; domestic use.** Replaces the defined term "human consumption" with the defined term "domestic use" in the context of water supplies and waterworks.

*Patron - Hugo*

**HB1280 Application for public assistance; eligibility; review of records.** Requires entities processing applications for medical assistance and other public assistance to conduct a review of death records and records relating to incarceration status, employment status, and income of the applicant to determine whether the applicant is eligible for assistance.

*Patron - LaRock*

**HB1347 Reporting of controlled substance overdoses.** Requires the Office of the Chief Medical Examiner, state and local law-enforcement agencies, emergency medical services agencies, and hospitals to report information about overdoses of controlled substances within 120 hours of receiving such information to the Office of the Secretary of Health and Human Resources and for the Secretary to make such information available to public health, law-enforcement, and emergency medical service agencies and fire departments and companies within 120 hours of receiving the information. The bill also requires the Secretary to report this information quarterly to the Governor and for such report to be made available to all public health, law-enforcement, and emergency medical services agencies in the Commonwealth. This bill is a recommendation of the Joint Commission on Health.

*Patron - Webert*

**HB1350 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of and related equipment for a freestanding diagnostic imaging center located in the Town of Ashland that will provide diagnostic imaging services using magnetic resonance imaging (MRI) and computed tomographic (CT) scanning on an outpatient basis.

*Patron - Fowler*

**HB1389 Community health workers; certification.** Requires the Department of Health to approve one or more entities to certify community health workers in the Commonwealth and prohibits a person from using or assuming the title of community health worker unless he is certified by an entity approved by the Department.

*Patron - Aird*

**HB1396 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of and related equipment for a freestanding diagnostic imaging center located in Planning District 15 that will provide diagnostic imaging services using magnetic resonance imaging (MRI) and computed tomographic (CT) scanning on an outpatient basis.

*Patron - McGuire*

**HB1402 Certificate of public need; definition of "medical care facility."** Adds to the list of medical care facilities for which a certificate of public need is required any facility that has common ownership with an affiliated licensed

hospital located within 35 miles of the facility and that includes, as part of the facility, a dedicated emergency department as defined in 42 C.F.R. § 489.24(b) that is subject to the requirements of the federal Emergency Medical Treatment and Labor Act.

*Patron - Leftwich*

**HB1436 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 State Health 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 adds this reported data to the list of reports that the Commissioner causes to be published on a website maintained by a nonprofit entity with which the Commissioner has entered into a contract for such purpose and requires the Commissioner 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. The measure has a delayed effective date of January 1, 2019.

*Patron - Hurst*

**HB1492 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the acquisition of the medical equipment necessary for the provision of magnetic resonance imaging (MRI) and computed tomographic (CT) scanning services in Planning District 7.

*Patron - McGuire*

**HB1538 Secretary of Health and Human Resources and Secretary of Commerce and Trade; global reform waiver.** Directs the Secretary of Health and Human Resources to apply for a waiver to allow for transformation of the Commonwealth's existing program of medical assistance services through the implementation of a person-centered model of medical assistance services that improves outcomes and reduces costs by (i) integrating medical and behavioral health care, (ii) implementing a value-based payment model, and (iii) promoting personal choice and responsibility, including cost-sharing and incentives that encourage healthy behaviors, prevention, and wellness. Such waiver may include provisions for an aggregate cap on federal funds for a specified period of time with adequate tools to manage state financing of the program. The Secretary of Health and Human Resources shall report to the Governor and the General Assembly on the status of the waiver by December 1, 2018.

The bill also directs the Secretary of Health and Human Resources, together with the Secretary of Commerce and Trade, to submit a request to the U.S. Secretary of Housing and Urban Development (i) to receive all federal funds made available to the Commonwealth from the Department of Housing and Urban Development as a single annual grant and (ii) for flexibility in the administration of such funds to better align medical assistance and housing support services to better support low-income individuals receiving medical assistance. The Secretaries of Health and Human Resources and Commerce and Trade shall report to the Governor and the General Assembly on the status of such request by December 1, 2018.

*Patron - Stolle*

**HB1548 Sudden Infant Death Syndrome.** Provides that the results of an autopsy of an infant shall not deem the cause of death as Sudden Infant Death Syndrome.

*Patron - Freitas*

**HB1549 Virginia Health Care Access Program.** Establishes the Virginia Health Care Access Program (the Program) to (i) develop and fund programs to improve access to health care services for recipients of medical assistance and other medically needy, low-income underinsured and uninsured residents of the Commonwealth; (ii) support the financial stability of rural hospitals and access to health care in rural areas of the Commonwealth; and (iii) fund programmatic and financial support for health professional education provided by public and private teaching hospitals within the Commonwealth. The bill establishes the Virginia Health Care Access Authority to oversee implementation of the Program, including imposition of an assessment on covered hospitals, as that term is defined in the bill.

*Patron - Sickles*

**SB134 Certain hospital licenses; effective date.** Provides that a license issued to an acute care hospital located in Patrick County that was valid on September 1, 2017, and remained valid on December 31, 2017, despite the closure of such hospital prior to December 31, 2017, shall continue to remain valid until December 31, 2018. This bill is effective retroactively to December 31, 2017. The bill contains an emergency clause.

*Patron - Stanley*

**SB158 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 - Edwards*

**SB201 Regulations governing hospitals; facilities performing abortions.** Removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals.

*Patron - Favola*

**SB223 Prescription drug price gouging prohibited.** Prohibits unconscionable price increases in the price of essential off-patent or generic drugs, authorizes the Secretary of Health and Human Resources to designate drugs as essential drugs, and establishes an enforcement mechanism.

*Patron - Edwards*

**SB235 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of a new ambulatory surgery center located in Planning District 23 for the provision of health care services related to the practice of gastroenterology.

*Patron - DeSteph*

**SB236 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of a new ambulatory surgery center located in Planning District 23 that will provide orthopedic services and for the acquisition of certain medical equipment.

*Patron - DeSteph*

**SB266 Certificate of public need; exception.** Authorizes the State Health Commissioner (Commissioner) to accept and review applications and issue a certificate of public need for new neonatal care services in Planning District 5, new ambulatory surgery centers in Planning District 15 and 23, and new magnetic resonance imaging services in Planning District

8 and 23, provided that certain conditions are met. The bill also prohibits the establishment, between July 1, 2018 and July 1, 2019, of a facility that includes a dedicated emergency department that is subject to the requirements of the federal Emergency Medical Treatment and Labor Act (42 U.S.C. § 1395dd) if such facility would be located within 20 miles of an affiliated licensed hospital that is under common ownership with such facility. This bill incorporates SB 235, SB 354, SB 365, SB 806, SB 848, and SB 923.

*Patron - Suetterlein*

**SB281 Patient notice of observation or outpatient status.** Provides that, for Medicare patients placed in observation or outpatient status, any hospital that provides a written notice and an oral explanation of such notice to the patient that satisfies the federal requirements for such notice shall be deemed to have satisfied Virginia's requirements for such notice. The bill also extends the timeframe for the provision of the notice required by current law from 24 hours to 36 hours. This bill was incorporated into SB 269.

*Patron - Barker*

**SB282 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). This bill also repeals provisions of the Code of Virginia establishing the Medicaid Innovation and Reform Commission.

*Patron - Barker*

**SB292 Abortion; funding in cases of rape or incest.** Clarifies that when a woman who qualifies for state medical assistance reports to a public health agency that her pregnancy is a result of rape or incest, the Board of Health is required to fund an abortion without requiring any report of such rape or incest to law enforcement.

*Patron - McClellan*

**SB327 Department of Health; cognitive impairment.** Directs the Department of Health, in partnership with the Alzheimer's Disease and Related Disorders Commission, the Department for Aging and Rehabilitative Services, and the Alzheimer's Association, to incorporate in its existing, relevant public health outreach programs information (i) to educate health care providers on the importance of early detection and timely diagnosis of cognitive impairment, validated cognitive assessment tools, the value of a Medicare Annual Wellness visit for cognitive health, and the new Medicare care planning billing code for individuals with cognitive impairment and (ii) to increase understanding and awareness of early warning signs of Alzheimer's disease and other types of dementia, the value of early detection and diagnosis, and how to reduce the risk of cognitive decline, particularly among persons in diverse communities who are at greater risk of developing Alzheimer's disease and other types of dementia. This bill was incorporated into SB 305.

*Patron - Ruff*

**SB354 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of a new ambulatory surgery center located in Planning District 15 for the provision of ophthalmic services.

*Patron - McClellan*

**SB365 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of a new

ambulatory surgery center located in Planning District 23 that will provide orthopedic services and for the acquisition of certain medical equipment.

*Patron - Spruill*

**SB369 All-Payer Claims Database.** Provides that participation in the All-Payer Claims Database by (i) issuers of individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing individual or group accident and sickness subscription contracts; and health maintenance organizations providing a health care plan for health care services; (ii) third-party administrators and any other entities that receive or collect charges, contributions, or premiums for, or adjust or settle health care claims for, Virginia residents; (iii) the Department of Medical Assistance Services with respect to services provided under programs administered pursuant to Titles XIX and XXI of the Social Security Act; and (iv) federal health insurance plans, if available, including but not limited to Medicare, TRICARE, and the Federal Employees Health Benefits Plan, shall be mandatory, to the extent permitted by federal law. Currently, participation is optional.

*Patron - Newman*

**SB417 Community health workers; certification.** Requires the Department of Health to approve one or more entities to certify community health workers in the Commonwealth and prohibits a person from using or assuming the title of certified community health worker unless he is certified by an entity approved by the Department.

*Patron - Barker*

**SB572 Delivery of medical assistance services.** Directs the State Board of Medical Assistance Services to include in the state plan for medical assistance services pursuant to Title XIX of the Social Security Act a provision for the payment of medical assistance on behalf of individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII) and directs the Secretary of Health and Human Resources to prepare and submit an application for a waiver to allow the Commonwealth to (i) institute a work requirement for all able-bodied adult recipients of medical assistance services, (ii) provide for periodic verification of household income of an individual subject to the work requirement and for redetermination of the individual's eligibility for medical assistance services, and (iii) impose certain requirements related to cost sharing for recipients of medical assistance services, including requirements for premiums, copayments, and coinsurance. Provisions of the bill providing for the payment of medical assistance on behalf of individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII) shall expire on July 1, 2020, unless the waiver has been approved and implemented.

*Patron - Hanger*

**SB635 Prescribers; notice of administration of naloxone.** Requires every hospital that operates an emergency department to develop and implement a protocol for (i) identifying every prescriber who has prescribed opioids to a patient to whom naloxone is administered for the purpose of reversing an opioid overdose in the emergency department or by emergency medical services personnel or a law-enforcement officer prior to admission to the emergency department and (ii) notifying each such prescriber that the patient has been treated with naloxone for the purpose of reversing an opioid overdose. Such notification shall be made in each case in which naloxone is administered for the purpose of reversing an opioid overdose by a health care provider in a hospital emergency department, emergency medical services personnel, or a law-enforcement officer to a patient to whom opioids have been prescribed by a prescriber.

*Patron - Dunnivant*

**SB757 Certificate of public need; psychiatric beds and services.** Repeals the requirement for a certificate of public need for certain projects involving mental hospitals or psy-

chiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse. The bill creates a new permitting process for such projects, exempted from the certificate of public need process, that requires the Commissioner of Health to issue a permit upon the agreement of the applicant to certain charity care conditions and quality of care standards.

*Patron - Sturtevant*

**SB781 Secretary of Health and Human Resources and Secretary of Commerce and Trade; global reform waiver.** Directs the Secretary of Health and Human Resources to apply for a waiver to allow for transformation of the Commonwealth's existing program of medical assistance services through the implementation of a person-centered model of medical assistance services that improves outcomes and reduces costs by (i) integrating medical and behavioral health care, (ii) implementing a value-based payment model, and (iii) promoting personal choice and responsibility, including cost-sharing and incentives that encourage healthy behaviors, prevention, and wellness. Such waiver may include provisions for an aggregate cap on federal funds for a specified period of time with adequate tools to manage state financing of the program. The Secretary of Health and Human Resources shall report to the Governor and the General Assembly on the status of the waiver by December 1, 2018.

The bill also directs the Secretary of Health and Human Resources, together with the Secretary of Commerce and Trade, to submit a request to the U.S. Secretary of Housing and Urban Development (i) to receive all federal funds made available to the Commonwealth from the Department of Housing and Urban Development as a single annual grant and (ii) for flexibility in the administration of such funds to better align medical assistance and housing support services to better support low-income individuals receiving medical assistance. The Secretaries of Health and Human Resources and Commerce and Trade shall report to the Governor and the General Assembly on the status of such request by December 1, 2018.

*Patron - Dunnavant*

**SB804 Reporting of controlled substance overdoses.** Requires the Office of the Chief Medical Examiner, state and local law-enforcement agencies, emergency medical services agencies, and hospitals to report information about overdoses of controlled substances within 120 hours of receiving such information to the Office of the Secretary of Health and Human Resources and for the Secretary to make such information available to public health, law-enforcement, and emergency medical service agencies and fire departments and companies within 120 hours of receiving the information. The bill also requires the Secretary to report this information quarterly to the Governor and for such report to be made available to all public health, law-enforcement, and emergency medical services agencies in the Commonwealth. The bill is a recommendation of the Joint Commission on Health. This bill was incorporated into SB 580.

*Patron - Carrico*

**SB806 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the acquisition of the medical equipment necessary for the provision of magnetic resonance imaging (MRI) services in Planning District 8.

*Patron - Petersen*

**SB848 Certificate of public need; definition of "medical care facility."** Adds to the list of medical care facilities for which a certificate of public need is required any facility that has common ownership with an affiliated licensed hospital located within 35 miles of the facility and that includes, as part of the facility, a dedicated emergency department as defined in 42 C.F.R. § 489.24(b) that is subject to the

requirements of the federal Emergency Medical Treatment and Labor Act.

*Patron - Cosgrove*

**SB892 Sexual harassment training; legislative branch.** Requires General Assembly members, full-time legislative staff of General Assembly members compensated with state appropriations, and full-time employees of each legislative branch agency to complete sexual harassment training once every calendar year through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management (DHRM). Persons elected to the General Assembly or commencing or recommencing full-time employment in the legislative branch will have 90 days from the election or their dates of hire to complete the training. The bill requires DHRM to maintain electronic records for five years for each person successfully completing sexual harassment training. Each record will include the name of the person completing the training, the name of the state agency that employs him, the date on which the training was completed, and the name of the training course. The bill directs that each agency head in the legislative branch be responsible for ensuring that the agency's full-time employees complete the training as required. The bill has a delayed effective date of January 1, 2019. The bill was incorporated into SB 796.

*Patron - Wexton*

**SB893 Medical assistance; determination of income; personal needs allowance.** Provides that, when determining the income of a recipient of medical assistance services who is receiving long-term care in a medical institution or intermediate care facility, the Department shall disregard a personal needs allowance in an amount that is at least \$100 and that the amount of the personal needs allowance shall be adjusted annually to reflect changes in the Consumer Price Index, all urban consumers (CPI-U). The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Wexton*

**SB915 Priority Needs Access Program.** Directs the Department of Medical Assistance Services to amend the Medicaid demonstration project (Project Number 11-W-00297/3) to create the Priority Needs Access Program to (i) increase the income eligibility for adults with serious mental illness from 100 to 138 percent of the federal poverty level; (ii) expand program eligibility to individuals with a diagnosis of mental illness, substance use disorder, or a life-threatening or complex chronic medical condition; (iii) include in the benefit package inpatient hospital and emergency room services; (iv) and include the demonstration project in the Commonwealth Coordinated Care Plus managed care program. The bill also directs the Department of Medical Assistance Services to add 144 new Community Living waiver slots, 1,847 new Family and Individual Support waiver slots, and 305 new Building Independent waiver slots; the Department of Behavioral Health and Developmental Services to establish and operate a statewide alternative transportation system for adults and children who are subject to temporary detention orders; the Department of Medical Assistance Services to ensure that children in the Medicaid and FAMIS programs are screened for adverse childhood experiences; and the Department for Aging and Rehabilitative Services to expand neurobehavioral services used to assist persons with brain injuries in returning to work and community living and avoid inappropriate institutionalization of persons with brain injuries. The bill will not become effective unless an appropriation effectuating its purposes is included in the general appropriations act passed in 2018 by the General Assembly that becomes law.

*Patron - Dunnavant*

**SB923 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the establishment of a new ambulatory surgery center located in Planning District 23 that will provide orthopedic services.

*Patron - Dunnavant*

**SB956 Virginia Health Care Access Program.** Establishes the Virginia Health Care Access Program (the Program) to (i) develop and fund programs to improve access to health care services for recipients of medical assistance and other medically needy, low-income underinsured and uninsured residents of the Commonwealth; (ii) support the financial stability of rural hospitals and access to health care in rural areas of the Commonwealth; and (iii) fund programmatic and financial support for health professional education provided by public and private teaching hospitals within the Commonwealth. The bill establishes the Virginia Health Care Access Authority to oversee implementation of the Program, including imposition of an assessment on covered hospitals, as that term is defined in the bill.

*Patron - Barker*

## Carried Over

**HB338 Medicaid; work requirement; report.** Directs the Department of Medical Assistance Services (the Department) to apply for a waiver to implement a work requirement for able-bodied adult recipients of medical assistance services. The bill requires the Department to administer the Training, Education, Employment, and Opportunity Program (the Program) to enable Medicaid enrollees to improve their health and well-being through training, education, employment and other community engagement opportunities leading to self-sufficiency. The bill requires Medicaid recipients to participate in the program but provides exceptions for children, individuals age 65 or older, individuals with certain disabilities, and individuals who are the primary caregiver for a dependent.

The bill requires enrollees to meet gradually escalating participation requirements, culminating in 20 hours per week of required participation after 12 months of enrollment. The bill provides that the Program shall work with Virginia Workforce Centers or One-Stops to provide services to enrollees.

*Patron - Miyares*

**HB611 Certificate of public need; exception.** Authorizes the State Health Commissioner (Commissioner) to accept and review applications and issue a certificate of public need for new neonatal care services in Planning District 5, provided that certain conditions are met. The bill provides that the Commissioner shall not deny the application on the basis of economic or service volume impact on existing providers.

*Patron - Habeeb*

**HB777 Emergency air medical transportation; informed decision.** Requires emergency medical services personnel, prior to initiating contact with an emergency air medical transportation provider for air transport of a patient, to obtain written consent from the patient after disclosing certain information. The bill provides that emergency medical services personnel shall be exempt from such requirements if compliance might jeopardize the health or safety of the patient or the patient is unable to provide consent.

*Patron - Ransone*

**HB874 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 eliminated (i) for the establishment of a new imaging service or addition of new equipment for imaging services beginning July 1, 2019; (ii) for ambulatory and outpatient surgery centers beginning July 1, 2020; 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 beginning July 1, 2021. 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 - Orrock*

**HB885 Onsite sewage systems; authority of the Board of Health.** Clarifies that the Board of Health shall have supervision and control over the maintenance, inspection, and reuse of conventional onsite sewage systems as well as alternative onsite sewage systems.

*Patron - Orrock*

**HB1033 Deemed consent to testing of bodily fluids.** Allows a magistrate or a general district court to issue an order requiring a person to provide a blood specimen for testing for human immunodeficiency virus or the hepatitis B or C virus when exposure to bodily fluids occurs between a person and any health care provider, person employed by or under the direction and control of a health care provider, law-enforcement officer, firefighter, emergency medical services personnel, person employed by a public safety agency, or school board employee and the person whose blood specimen is sought refuses to consent to providing such specimen. Currently, only the general district court may issue such order. The bill allows a testing order to be issued based on a finding that there is probable cause to believe that exposure has occurred. Currently, there must be a finding by a preponderance of the evidence that exposure has occurred.

*Patron - Price*

**HB1606 Certificate of public need; psychiatric beds and services.** Eliminates the requirement for a certificate of public need for certain projects involving mental hospitals or psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse. The bill also directs the Department of Health to develop a plan for an expedited permitting process for psychiatric beds consistent with the State Medical Facilities Plan by July 1, 2019.

*Patron - Orrock*

**SB243 Virginia Veterans Recovery Grant Program and Fund; established.** Establishes the Virginia Veterans Recovery Grant Program and the Virginia Veterans Recovery Fund 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*

**SB357 Death certificates; electronic filing required.** Requires a death certificate, for each death that occurs in the Commonwealth, to be electronically filed with the State Registrar. Under current law, death certificates may be filed electronically or nonelectronically.

*Patron - McClellan*

**SB634 All-Payer Claims Database.** Provides that participation in the All-Payer Claims Database by (i) issuers of individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing individual or group accident and sickness subscription contracts; and health maintenance organizations providing a health

care plan for health care services; (ii) third-party administrators and any other entities that receive or collect charges, contributions, or premiums for, or adjust or settle health care claims for, Virginia residents; (iii) the Department of Medical Assistance Services with respect to services provided under programs administered pursuant to Titles XIX and XXI of the Social Security Act; and (iv) federal health insurance plans, if available, including but not limited to Medicare, TRICARE, and the Federal Employees Health Benefits Plan, shall be mandatory, to the extent permitted by federal law. Currently, participation is optional.

*Patron - Dunnivant*

**[C]SB842 Certificate of public need; exception.** Authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for the acquisition of the medical equipment necessary for the provision of magnetic resonance imaging (MRI) and computed tomographic (CT) scanning services in the City of Winchester.

*Patron - Vogel*

## Highways and Other Surface Transportation Systems

### Passed

**[P]HB134 Value engineering.** Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. This bill is identical to SB 125.

*Patron - Bell, John J.*

**[P]HB384 Secretary of Transportation; review of Washington Metropolitan Area Transit Authority Board of Directors membership; report.** Directs the Secretary of Transportation to conduct a review of the Washington Metropolitan Area Transit Authority Board of Directors membership provisions.

*Patron - Keam*

**[P]HB662 Department of Transportation to submit a plan for the remediation of the American Legion Bridge.** Directs the Department of Transportation to begin the initial design and related assessments for remediating the American Legion Bridge at the earliest time possible once necessary decisions have been made by the state of Maryland. The Department shall submit the design and assessments in a report to the General Assembly when available.

*Patron - Murphy*

**[P]HB765 Transportation processes in the Commonwealth; responsibilities of transportation entities; funding.** Expands the responsibilities of the Office of Intermodal Planning and Investment of the Secretary of Transportation (Office). The bill clarifies the residency requirements for the urban and rural at-large members of the Commonwealth Transportation Board (Board) and provides that no member of a governing body of a locality is eligible to be appointed to the Board during his term of office. The bill provides that the Board's Six-Year Improvement Program shall only commit funds from the State of Good Repair Program, the High Priority Projects Program, or the Highway Construction District Grant Programs to a project or program if such commitment is sufficient to complete the project or program. The bill changes the timing of reports from annually to biennially, expands the requirements of the biennial report provided by the Commissioner of Highways, and requires the Office to submit a biennial report as described in the bill. The bill decreases the maximum matching allocation that the Board may make to a

locality from \$10 million to \$5 million and provides that no more than \$2.5 million of such funds can be used for the maintenance of highway systems. The bill changes the amount of Commonwealth funds allocated to the Board for revenue-sharing from no less than \$15 million and no more than \$200 million to not in excess of \$100 million or seven percent of funds available for distribution by the Board from all funds made available for highway purposes, whichever is greater. This bill received Governor's recommendations.

*Patron - Jones, S.C.*

**[P]HB901 Department of Transportation to develop and submit for approval an expedited land use permit process; rights-of-way. Report.** Directs the Department of Transportation (Department) to develop and submit for approval to the Federal Highway Administration an expedited land use permit process by which public or private utility companies that offer communication services can apply to use any right-of-way of the Department.

*Patron - Freitas*

**[P]HB1007 Delegate Lacey E. Putney Memorial Highway.** Designates the portion of U.S. Route 221 between the Town of Bedford and the City of Lynchburg the "Delegate Lacey E. Putney Memorial Highway." The bill contains an emergency clause. This bill is identical to SB 363.

*Patron - Byron*

**[P]HB1276 Federal pilot programs; report.** Requires the Department of Transportation to convene a work group to identify the implications of the Commonwealth's participation in a federal data collection pilot program or project involving six-axle tractor truck semitrailer combinations weighing up to 91,000 pounds and utilizing interstate highways. This bill is identical to SB 504.

*Patron - Garrett*

**[P]HB1285 Transportation project selection in Planning District 8 (Northern Virginia); public meeting.** Requires the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, the Virginia Railway Express, and the Commonwealth Transportation Board to annually conduct a joint public meeting for the purposes of presenting to the public, and receiving public comments on, the transportation projects proposed by each entity in Planning District 8.

*Patron - LaRock*

**[P]HB1395 Trooper Michael Walter Memorial Highway.** Designates the portion of Virginia Route 13 in Powhatan County between Virginia Route 1002 (Emmanuel Church Road) and Cumberland County the "Trooper Michael Walter Memorial Highway."

*Patron - Ware*

**[P]HB1522 Commercial rest areas.** Prohibits a private entity from operating a rest area for commercial purposes without the approval of the General Assembly. The bill provides that the prohibition does not apply to any program or contract between a private entity and an agency or political subdivision of the Commonwealth authorized pursuant to federal law, regulation, or policy as of July 1, 2018. This bill is identical to SB 905.

*Patron - Ingram*

**[P]HB1523 Signs or advertisements.** Removes the requirement that a sign placed on real property visible to traffic proceeding on any Interstate System highway and advertising activities being conducted on the real property be located no more than 250 feet from the center of the advertised activity. This bill is identical to SB 925.

*Patron - Ingram*

**[P]HB1539 Mass transit in the Commonwealth.** Makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to

funding of the Washington Metropolitan Area Transit Authority (WMATA) and the disbursement of funds in the Commonwealth Mass Transit Fund. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill uses a variety of existing revenue sources to allocate revenues for mass transit and authorizes the issuance of \$50 million in bonds only for a required federal match. The provisions of the bill are contingent upon Maryland, the District of Columbia, and the federal government adopting similar actions to raise revenues for WMATA. This bill incorporates HB 1319 and is identical to SB 856. This bill received Governor's recommendations.

*Patron - Hugo*

**[P]HB1571 William Preston Memorial Highway.** Designates the portion of U.S. Route 220 in Botetourt County the "William Preston Memorial Highway."

*Patron - Austin*

**[P]SB125 Value engineering.** Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. This bill incorporates SB 117 and is identical to HB 134.

*Patron - Black*

**[P]SB363 Delegate Lacey E. Putney Memorial Highway.** Designates the portion of U.S. Route 221 between the Town of Bedford and the City of Lynchburg the "Delegate Lacey E. Putney Memorial Highway." The bill contains an emergency clause. This bill is identical to HB 1007.

*Patron - Newman*

**[P]SB504 Federal pilot programs; report.** Requires the Department of Transportation to convene a work group to identify the implications of the Commonwealth's participation in a federal data collection pilot program or project involving six-axle tractor truck semitrailer combinations weighing up to 91,000 pounds and utilizing interstate highways. This bill is identical to HB 1276.

*Patron - Carrico*

**[P]SB643 Department of Transportation; electronic toll collection device fees or exchange.** Prohibits the Department of Transportation from charging maintenance fees for or requiring users to exchange their electronic toll collection device as a result of inactivity for a time period of less than one year.

*Patron - McPike*

**[P]SB847 Purple Heart State; Department of Transportation.** Directs the Department of Transportation to place and maintain signs along certain highways reflecting the 2016 designation by the General Assembly of Virginia as a Purple Heart State.

*Patron - Norment*

**[P]SB856 Mass transit in the Commonwealth.** Makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to funding of the Washington Metropolitan Area Transit Authority (WMATA) and the disbursement of funds in the Commonwealth Mass Transit Fund. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill uses a variety of existing revenue sources to allocate revenues for mass transit and authorizes the issuance of \$50 million in bonds only for a required federal match. The provisions of the bill are contingent upon Maryland, the District of Columbia, and the federal government adopting similar actions to raise revenues for

WMATA. This bill incorporates SB 393 and is identical to HB 1539. This bill received Governor's recommendations.

*Patron - Saslaw*

**[P]SB905 Commercial rest areas.** Prohibits a private entity from operating a rest area for commercial purposes without the approval of the General Assembly. The bill provides that the prohibition does not apply to any program or contract between a private entity and an agency or political subdivision of the Commonwealth authorized pursuant to federal law, regulation, or policy as of July 1, 2018. This bill is identical to HB 1522.

*Patron - Ruff*

**[P]SB925 Signs or advertisements.** Removes the requirement that a sign placed on real property visible to traffic proceeding on any Interstate System highway and advertising activities being conducted on the real property be located no more than 250 feet from the center of the advertised activity. This bill is identical to HB 1523.

*Patron - Ruff*

**[P]SB941 Designating the Trooper Pilot Berke Bates Memorial Bridge.** Designates the bridge on Route 612 (Airport Road) over Interstate 64 at mile marker 209 in the County of New Kent the "Trooper Pilot Berke Bates Memorial Bridge."

*Patron - Norment*

**[P]SB971 Interstate 81 Corridor Improvement Plan.** Directs the Commonwealth Transportation Board to develop and adopt an Interstate 81 Corridor Improvement plan and evaluate financing options for Interstate 81 corridor improvements.

*Patron - Obenshain*

**[P]SB995 Regulation of outdoor advertising in sight of public highways; exceptions.** Provides that signs that are related to public safety, provide directional information, or provide public information may be situated or installed in highway rights-of-way. The bill provides that any signs other than those related to public safety, providing directional information, or providing public information may not be situated or installed in highway rights-of-way.

*Patron - Carrico*

## Failed

**[F]HB59 Department of Transportation; use of practical design methods.** Requires the Department of Transportation to employ practical design methods for any highway system project, including all projects costing more than \$5 million. "Practical design methods" are defined in the bill as practices 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]HB72 Statewide prioritization process project selection.** Requires the total cost of a transportation project to be considered in evaluating projects under the statewide prioritization process. The bill requires the Commonwealth Transportation Board to evaluate congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays. The bill imposes restrictions on projects receiving funding from the High Priority Projects Program that are evaluated under the statewide prioritization process.

*Patron - Thomas*

**[F]HB103 Additional lanes of Interstate 95.** Directs the Department of Transportation to immediately commence a transportation project to add an additional lane of travel to that portion of Interstate 95 between Exit 126 in Spotsylvania



County and Interstate 495 in both the north-bound and south-bound directions.

*Patron - Cole*

**HB361 Relocation of certain billboard signs.** Provides that a lawfully erected billboard sign may be relocated whenever such billboard sign is affected by the construction of a pedestrian bridge. The bill requires the Department of Transportation to place any permanent sign located in the highway right-of-way in such a location that it does not affect the visibility of a lawfully erected billboard sign. If such placement is not possible, such billboard may be relocated.

*Patron - Rush*

**HB455 Allocation of funds for certain contract fees for railroad right-of-way access.** Provides that funds for contract fees paid by the Virginia Railway Express for access to the rights-of-way of CSX Transportation, Norfolk Southern Corporation, and the National Railroad Passenger Corporation shall be allocated yearly by the Department of Rail and Public Transportation and shall cover 84 percent of the total costs.

*Patron - Filler-Corn*

**HB474 Land lease program for installation of solar energy collection devices; purchase of energy produced; highway rights-of-way.** Requires the Department of Transportation (the Department) to evaluate land owned by the Commonwealth for use as rights-of-way for suitability for the installation of solar energy collection devices and to solicit bids for the lease of such land for such installation. The bill establishes a revenue-sharing arrangement between the locality or localities in which the right-of-way is located and the state general fund. The bill provides that any entity submitting a bid must complete the application and review process for the use of a right-of-way as established by the Department and as required by federal law. The bill requires solar right-of-way generators to enter into a power purchase agreement with a utility to purchase all the energy generated by the solar energy collection devices.

*Patron - Reid*

**HB475 Commercial motor vehicles; certain high-occupancy vehicle lanes.** Prohibits the operation of a commercial motor vehicle in a high-occupancy vehicle lane on State Route 267.

*Patron - Reid*

**HB639 Creating a process for identifying and relocating fiber optics and other communications infrastructure during road construction projects; Department of Transportation.** Provides that the Department of Transportation shall convene a work group of stakeholders to examine the current statutory and regulatory processes for identifying the location of, and the owners or leaseholders of, fiber optic cable and conduit, as well as other similar communications infrastructure and utilities, that are located under or across from public property or in close proximity to or in an existing or newly acquired public easement or right-of-way, in order to determine whether the current process for relocating such infrastructure as necessary for the construction of a public roadway and associated appurtenances, whether such project is locally or state administered, is appropriately efficient, timely, and cost effective, in order to avoid unnecessary and costly delays in construction. Stakeholders shall include, but are not limited to, representatives from local government, cable and telecommunications industries, the road construction industry, underground utility locating contractors, and the State Corporation Commission. The Department shall assess whether the current permitting and utility registration and relocation procedures and requirements are adequate and reasonable, and shall submit its findings and any recommendations for improving such process to the General Assembly by November 30, 2018.

*Patron - Boysko*

**HB668 Transportation funding in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1

percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax. The bill also allocates \$40 million annually from the Priority Transportation Fund, after making any required debt service payments, to each of the Salem highway construction district and the Bristol highway construction district. Of the \$40 million allocated to the Bristol highway construction district, \$30 million each year shall be designated for the construction and completion of U.S. Route 121, the Coalfields Expressway.

*Patron - Kilgore*

**HB712 Naming highways, bridges, interchanges, and other transportation facilities.** Removes the authority of the Commonwealth Transportation Board (the Board) to name any highway, bridge, interchange, or other transportation facility forming a part of the system of state highways after a private entity. The bill provides that the Board shall not have the power to name any highway, bridge, interchange, or transportation facility that has been or may hereafter be named by the General Assembly, nor may the name chosen by the Board reflect the name of any living person. The bill repeals the requirement that the Department of Transportation develop guidelines on the naming of highways, bridges, interchanges, and other transportation facilities after private entities.

*Patron - Adams, D.M.*

**HB838 Contributions for safe driving education; Mid-Atlantic Foundation for Safety and Education Fund.** Redirects from DRIVE SMART Virginia to the Mid-Atlantic Foundation for Safety and Education funds currently made available for safe driver education from voluntary contributions by E-ZPass account holders.

*Patron - Bagby*

**HB903 Evaluation of Department of Transportation projects; impact on real property owners.** Creates a method whereby certain real property owners can request an evaluation of a completed Department of Transportation (the Department) project to determine whether the project has created a significant financial burden on such landowners. The bill requires the Department to take certain corrective steps if a project has created such a burden. The bill creates a method by which the requesting landowner can rebut the Department's findings and bring a civil action against the Department.

*Patron - Freitas*

**HB1011 Construction of U.S. Route 29 bypass.** Repeals statutory guidelines for the construction and payment for the construction of the U.S. Route 29 bypass, as such bypass is fully constructed.

*Patron - Toscano*

**HB1045 Electronic toll collection device monthly statements; fees.** Prohibits the Department of Transportation from charging monthly fees in connection with online monthly account statements for electronic toll collection devices.

*Patron - Torian*

**HB1070 Public-Private Transportation Act of 1995; Public-Private Education Facilities and Infrastructure Act of 2002; affected local jurisdictions and public entities; consideration of economic impact.** Requires a private entity requesting approval to develop and operate a qualifying transportation facility under the Public-Private Transportation Act of 1995 or a qualifying project under the

Public-Private Education Facilities and Infrastructure Act of 2002 to include an economic impact analysis identifying any potentially adverse economic or revenue impacts that a potential comprehensive agreement may have on all affected local jurisdictions. The bill further requires that affected local jurisdictions be given reasonable opportunity to consult with the parties concerning the nature and scope of the impacts and regarding measures that may be taken to avoid or mitigate the impacts or make the agreement revenue-neutral. The bill directs each responsible public entity to certify compliance with the review of the economic impact analysis provisions.

*Patron - Heretick*

**[F]HB1086 Transportation District Commission of Hampton Roads; membership.** Adds three legislative members, two from the House of Delegates and one from the Senate, to the Transportation District Commission of Hampton Roads. The bill provides that nonlegislative members shall have experience in at least one of the following fields: (i) transit planning, transportation planning, or land use planning; (ii) transit or transportation management or management of other public sector operations; (iii) public budgeting or finance; (iv) corporate communications; (v) government oversight; or (vi) local or state government.

*Patron - Heretick*

**[F]HB1256 HOT lanes on Interstate 66; operating hours.** Sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. on the eastbound lanes and from 4:00 p.m. to 6:30 p.m. on the westbound lanes.

*Patron - Hugo*

**[F]HB1263 Commonwealth Transportation Board prioritization process; factors considered in Bristol and Salem Highway Construction Districts.** Provides that for the purposes of prioritizing projects in the Bristol Highway Construction District or the Salem Highway Construction District, the Commonwealth Transportation Board (Board) shall consider (i) the relative importance of secondary highways in such districts and (ii) only the following other factors: economic development, accessibility, and safety. Current law requires the Board to consider congestion mitigation, economic development, accessibility, safety, and environmental quality when prioritizing projects in all districts.

*Patron - Kilgore*

**[F]HB1284 Vehicles bearing clean special fuel license plates; HOT lanes.** Allows vehicles bearing clean special fuel license plates issued before July 1, 2011, to use the HOT lanes on Interstate 66 inside the beltway if the vehicle is equipped with an E-ZPass Flex transponder. The bill contains an emergency clause.

*Patron - Hugo*

**[F]HB1291 Interstate 66; tolling facilities.** Directs the Secretary of Transportation to renegotiate the agreement governing transportation facilities on Interstate 66 outside the Capital Beltway in an effort to coordinate tolling inside and outside the Capital Beltway once the tolling facilities outside the Capital Beltway are established.

*Patron - Hugo*

**[F]HB1319 Mass transit in the Commonwealth.** Makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to the membership and funding of the Washington Metropolitan Area Transit Authority, the disbursement of funds in the Commonwealth Mass Transit Fund, and the authority of the Commonwealth Transportation Board to issue bonds for transit capital. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill also raises the regional congestion relief fee and the regional transient occupancy tax in the North-

ern Virginia region to raise additional revenues for mass transit.

*Patron - Sullivan*

**[F]HB1417 HOT lanes on Interstate 66; operating hours.** Sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. on the eastbound lanes and from 4:00 p.m. to 6:30 p.m. on the westbound lanes.

*Patron - Bulova*

**[F]HB1438 Highway signs; drive-in movie theaters.** Adds drive-in movie theaters to the attractions that may be identified on directional and official signs displayed near any Interstate System, National Highway System, or federal-aid primary highway.

*Patron - McGuire*

**[F]HB1455 Commonwealth Transportation Board; SMART SCALE; job accessibility factors.** Directs the Commonwealth Transportation Board to change both the access to jobs and the access to jobs for disadvantaged populations accessibility factors for commuting thresholds adopted for the implementation of SMART SCALE from 45 minutes for automobile trips or 60 minutes for transit trips to 60 minutes for all trips.

*Patron - Thomas*

**[F]HB1458 Public property and highways; dumping; animal carcasses; penalty.** Prohibits dumping all or any part of the carcasses of any animal, fish, or bird on public property, including a public highway, or on private property without written consent from the owner. The bill makes a violation of the prohibition a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250 nor more than \$2,500, either or both.

*Patron - Fariss*

**[F]HB1459 Posting a sign on a Department of Transportation right-of-way; permit.** Directs the Department of Transportation (the Department) to issue permits authorizing a landowner to place signs advertising the sale of his real property on a highway right-of-way adjoining such real property, provided that (i) the proposed sign placement will not impair the full use and safety of the highway or otherwise interfere with the free flow of traffic thereon and (ii) the land on which the sign is to be placed cannot be reasonably foreseen as needed for highway or other transit uses and purposes. The bill authorizes the Department to revoke such permit at the discretion of the Commissioner of Highways.

*Patron - Fariss*

**[F]SB31 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*

**[F]SB117 Value engineering.** Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. This bill was incorporated into SB 125.

*Patron - Favola*

**[F]SB147 Commonwealth Transportation Board; factors for project selection.** Requires travel time reliability to be one of the factors used by the Commonwealth Transportation Board in its statewide prioritization process for project selection.

*Patron - Edwards*

**SB185 Renaming highways; localities.** Provides that the local governing body of any county, city, or town may change the name of any highway named before 1965 within such locality. Current law allows for only the Commonwealth Transportation Board or the General Assembly to name or rename any primary highway, regardless of when the highway was named.

*Patron - Favola*

**SB283 Creating a process for identifying and relocating fiber optics and other communications infrastructure during road construction projects; Department of Transportation.** Provides that the Department of Transportation shall convene a work group of stakeholders to examine the current statutory and regulatory processes for identifying the location of, and the owners or leaseholders of, fiber optic cable and conduit, as well as other similar communications infrastructure and utilities, that are located under or across from public property or in close proximity to or in an existing or newly acquired public easement or right-of-way, in order to determine whether the current process for relocating such infrastructure as necessary for the construction of a public roadway and associated appurtenances, whether such project is locally or state administered, is appropriately efficient, timely, and cost effective, in order to avoid unnecessary and costly delays in construction. Stakeholders shall include, but are not limited to, representatives from local government, cable and telecommunications industries, the road construction industry, underground utility locating contractors, and the State Corporation Commission. The Department shall assess whether the current permitting and utility registration and relocation procedures and requirements are adequate and reasonable, and shall submit its findings and any recommendations for improving such process to the General Assembly by November 30, 2018.

*Patron - Black*

**SB393 Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013. This bill was incorporated into SB 856.

*Patron - Barker*

**SB530 Regulations regarding breweries, wineries, and distilleries and the Specific Travel Services (Logo) Signing program.** Directs the Department of Transportation to amend its regulations to exempt breweries, wineries, and distilleries from the requirement that a facility be in continuous operation for at least eight hours per day, five days per week, during the normal operating season for that type of business in order to qualify for an attraction sign under the Specific Travel Services (Logo) Signing program.

*Patron - Mason*

**SB623 Electronic Routing Registry.** Requires the Department of Transportation to create and maintain an Electronic Routing Registry (the Registry) of highways where electronic routing of through traffic is prohibited and provides the criteria for a highway to be eligible for placement on the Registry at the request of a locality. The bill requires that a digital routing provider remove a highway placed on the Registry from its routing algorithms within six months of such placement and provides that any digital routing provider who violates such requirement is subject to a \$500 civil penalty for each day it is in violation.

*Patron - Surovell*

**SB640 Relocation of certain billboard signs.** Provides that a lawfully erected billboard sign may be relocated whenever such billboard sign is affected by the construction of a pedestrian bridge. The bill requires the Department of Transportation to place any permanent sign located in the highway right-of-way in such a location that it does not affect the visi-

bility of a lawfully erected billboard sign. If such placement is not possible, such billboard may be relocated.

*Patron - Marsden*

**SB683 Commuter Rail Operating and Capital Fund.** Establishes the Commuter Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve commuter rail service.

*Patron - Stuart*

**SB793 Hampton Roads Transportation Commission; membership.** Adds two legislative members, one from each house, to the Hampton Roads Transportation Commission. The bill provides that nonlegislative members shall have experience in at least one of the following fields: (i) transit planning, transportation planning, or land use planning; (ii) transit or transportation management or management of other public sector operations; (iii) public budgeting or finance; (iv) corporate communications; (v) government oversight; or (vi) local or state government.

*Patron - Lucas*

**SB852 Commonwealth Transportation Board; composition.** Increases from 17 to 19 the membership of the Commonwealth Transportation Board (CTB) by requiring that one member be appointed from each of Virginia's 11 congressional districts instead of, under current law, from each of the Commonwealth's nine highway construction districts. The five at-large members and three ex officio members of the CTB remain unchanged.

*Patron - Wagner*

**SB877 Transportation District Commission of Hampton Roads; membership.** Adds four legislative members, two from each house, to the Transportation District Commission of Hampton Roads. The bill provides that nonlegislative members shall have experience in at least one of the following fields: (i) transit planning, transportation planning, or land use planning; (ii) transit or transportation management or management of other public sector operations; (iii) public budgeting or finance; (iv) corporate communications; (v) government oversight; or (vi) local or state government.

*Patron - Mason*

**SB898 Tolling; Northern Virginia.** Requires the Department of Transportation to refund the holder of an electronic toll collection device for any sum of tolls collected or imposed for travel on Interstate 66 east of mile marker 67 totaling more than \$200 per calendar month per electronic toll collection device until the eastbound widening project on Interstate 66 inside the Capital Beltway (Beltway) is completed. The bill sets the tolling hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. until the eastbound widening project on Interstate 66 inside the Beltway is completed. The bill requires that the Department of Transportation activate tolling on reverse commuters inside the Beltway on Interstate 66. The bill directs the Secretary of Transportation (the Secretary) to engage the Metropolitan Washington Airports Authority (MWAA) and federal government officials for the purpose of implementing dynamic tolling on the Dulles Airport Access Highway and requires that the Secretary report to the Chairmen of the House and Senate Transportation Committees. The bill also requires the Secretary to engage the MWAA for the purpose of eliminating tolls on the Dulles Toll Road by 2030 and requires the Secretary to report to the Chairmen of the House and Senate Transportation Committees regarding the same.

*Patron - Black*

**SB903 Electronic toll collection device; contributions to Virginia State Police Association General Fund.** Provides that holders of an account for an electronic toll collection device may opt to make a voluntary contribution to the Virginia State Police Association General Fund, created by the

bill. Current law allows holders of an account for an electronic toll collection device to make a voluntary contribution only to the DRIVE SMART Virginia Education Fund.

*Patron - Petersen*

**[F]SB929 Tolling; hours.** Sets the tolling hours for HOT lanes on Interstate 66 inside the Capital Beltway from 6:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. until (i) the eastbound widening project on Interstate 66 inside the Capital Beltway is completed and (ii) additional commuter parking capacity is constructed to serve commuters outside the Capital Beltway.

*Patron - McPike*

## Carried Over

**[C]HB1137 Commuter Rail Operating and Capital Fund.** Establishes the Commuter Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve commuter rail service.

*Patron - Sickles*

**[C]SB141 Use of certain revenues by the Northern Virginia Transportation Authority.** Allows revenues of the Northern Virginia Transportation Authority distributed to localities to be used, as determined solely by the applicable locality, to fund new sidewalk projects that reduce congestion.

*Patron - Petersen*

**[C]SB207 Statewide prioritization process project selection.** Requires the total cost of a transportation project to be considered in evaluating projects under the statewide prioritization process. The bill requires the Commonwealth Transportation Board to evaluate congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays. The bill imposes restrictions on projects receiving funding from the High Priority Projects Program that are evaluated under the statewide prioritization process.

*Patron - Stuart*

**[C]SB561 Right lane restrictions for tractor trucks on Interstate 81; pilot program.** Directs the Department of Transportation to conduct a pilot program establishing zones on Interstate 81 where tractor trucks would be required to travel in the right lane only. The bill establishes requirements for any such designated zone.

*Patron - Obenshain*

## Homestead and Other Exemptions

### Failed

**[F]HB1593 Homestead exemption; bankruptcy exemptions.** Makes various changes to homestead exemptions, including providing that the official schedule of property claimed exempt filed with the United States Bankruptcy Court in a bankruptcy proceeding constitutes a sufficient writing to exempt such real and personal property from creditor process. The bill also provides that a householder may hold exempt from creditor process real or personal property that the householder or his dependent uses as a principal residence not exceeding \$25,000 in value.

*Patron - Krizek*

## Hotels, Restaurants, Summer Camps, and Campgrounds

### Passed

**[P]HB552 Definition of restaurant; exception; bed-and-breakfast operations.** Exempts from requirements related to restaurants, including licensure requirements, any bed-and-breakfast operation that prepares food for and offers food to guests, regardless of the time the food is prepared and offered, so long as (i) the premises of the bed-and-breakfast operation is a home that is owner occupied or owner-agent occupied, (ii) the bed-and-breakfast operation prepares food for and offers food to guests only, (iii) the number of guests served by the bed-and-breakfast operation does not exceed 18 on any single day, and (iv) guests for whom food is prepared and to whom food is offered are informed in a manner established by the State Board of Health in regulations that the food is prepared in a kitchen that is not licensed as a restaurant and is not subject to regulations governing restaurants. This bill contains technical amendments.

*Patron - Freitas*

### Failed

**[F]HB1220 Food protection managers; regulations.** Directs the Board of Agriculture and Consumer Services and the Board of Health to amend regulations governing retail food establishments to provide (i) an exemption from the requirement that at least one employee of the retail food establishment who has supervisory and management responsibility and authority to direct and control food preparation and service be a certified food protection manager, provided that the retail food establishment has not been found to be in violation of regulations governing retail food establishments in the immediately preceding five-year period, and (ii) for acceptance of evidence of online training and completion of an online examination to satisfy the requirements for certification as a food protection manager.

*Patron - Wilt*

## Housing

### Passed

**[P]HB594 Local government; authority to require abatement of criminal blight on real property.** Authorizes any locality to enact an ordinance that requires corrective action to address criminal blight conditions on certain real property. The bill defines criminal blight to include conditions on real property that endanger residents of the community by the regular presence of persons using the property for controlled substance use or sale and other criminal activities, specifically commercial sex trafficking or prostitution or repeated acts of the malicious discharge of a firearm within a building or dwelling. Current law allows local governments to enact an ordinance for taking action against a property owner with regard to illegal drug activity on such real property within the locality. As introduced, this bill was a recommendation of the Virginia Housing Commission. This bill is identical to SB 451.

*Patron - Carr*

**[P]HB609 Housing; installation and maintenance of smoke and carbon monoxide alarms.** Creates a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property. The bill requires a

landlord (i) to install a smoke alarm but does not permit a locality to require new or additional wiring or the upgrading of smoke alarms under certain conditions and (ii) to certify annually that smoke alarms have been installed and maintained in good working order in a residential dwelling unit pursuant to the Statewide Fire Prevention Code (§ 27-94 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). The landlord is also required to install a carbon monoxide alarm upon request by a tenant; the installation and subsequent maintenance must be in compliance with the Statewide Fire Prevention Code and the Uniform Statewide Building Code. A tenant of a rental dwelling unit with a smoke alarm or both smoke and carbon monoxide alarms shall not tamper or remove such alarms. Under the bill, a reasonable accommodation must be made for persons who are deaf or hearing impaired, upon request. Localities that have enacted a fire and carbon monoxide alarm ordinance must conform such ordinances with these state standards by July 1, 2019. The bill also requires the Department of Housing and Community Development, in consultation with the Department of Fire Programs, to develop a form for landlords for use in certifying inspections that summarizes smoke alarm maintenance requirements for landlords and tenants. The bill, as introduced, is a recommendation of the Virginia Housing Commission. This bill is identical to SB 391.

*Patron - Carr*

**HB683 Uniform Statewide Building Code; security of certain records.** Clarifies that while information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall not be subject to disclosure to the public under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), such information shall not be deemed confidential. This bill is identical to SB 921.

*Patron - Pogge*

**HB824 Regulation of short-term rentals in the City of Lexington and the City of Virginia Beach.** Requires the City of Lexington to comply with various statutory provisions related to the short-term rental of property. The bill mandates a deadline of September 30, 2018, for the City of Lexington to amend its existing ordinance. The bill also mandates that any short-term rental located in the Sandbridge Special Service District in the City of Virginia Beach shall be a principal use subject to the City's regulations applicable to short-term rentals. Whether a short-term rental located in any other area of the City of Virginia Beach is a permitted use is determined by the provisions of the City's zoning ordinance.

*Patron - Knight*

**HB859 Uniform Statewide Building Code; administration and enforcement; agreements for assistance between localities.** Provides that the local governing body of a county or municipality may enter into an agreement with the governing body of another county or municipality for the provision to such county or municipality's local building department of technical assistance with administration and enforcement of the Building Code.

*Patron - Peace*

**SB391 Housing; installation and maintenance of smoke and carbon monoxide alarms.** Creates a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property. The bill requires a landlord (i) to install a smoke alarm but does not permit a locality to require new or additional wiring or the upgrading of smoke alarms under certain conditions and (ii) to certify annually that smoke alarms have been installed and maintained in good working order in a residential dwelling unit pursuant to the Statewide Fire Prevention Code (§ 27-94 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). The landlord is also required to install a carbon monoxide alarm upon request by a tenant; the installation and subsequent maintenance must be in compliance with the Statewide Fire Prevention Code and the Uniform Statewide Building Code. A tenant

of a rental dwelling unit with a smoke alarm or both smoke and carbon monoxide alarms shall not tamper or remove such alarms. Under the bill, a reasonable accommodation must be made for persons who are deaf or hearing impaired, upon request. Localities that have enacted a fire and carbon monoxide alarm ordinance must conform such ordinances with these state standards by July 1, 2019. The bill also requires the Department of Housing and Community Development, in consultation with the Department of Fire Programs, to develop a form for landlords for use in certifying inspections that summarizes smoke alarm maintenance requirements for landlords and tenants. The bill, as introduced, is a recommendation of the Virginia Housing Commission. This bill incorporates SB 743 and is identical to HB 609.

*Patron - Barker*

**SB451 Local government; authority to require abatement of criminal blight on real property.** Authorizes any locality to enact an ordinance that requires corrective action to address criminal blight conditions on certain real property. The bill defines criminal blight to include conditions on real property that endanger residents of the community by the regular presence of persons using the property for controlled substance use or sale and other criminal activities, specifically commercial sex trafficking or prostitution or repeated acts of the malicious discharge of a firearm within a building or dwelling. Current law allows local governments to enact an ordinance for taking action against a property owner with regard to illegal drug activity on such real property within the locality. As introduced, this bill was a recommendation of the Virginia Housing Commission. This bill is identical to HB 594.

*Patron - Dance*

**SB921 Uniform Statewide Building Code; security of certain records.** Clarifies that while information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall not be subject to disclosure to the public under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), such information shall not be deemed confidential. This bill is identical to HB 683.

*Patron - Ebbin*

## Failed

**HB69 Virginia Grocery Investment Program and Fund.** Creates the Virginia Grocery Investment Program and Fund to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects, defined in the bill, in underserved communities.

*Patron - McQuinn*

**HB85 Virginia Grocery Investment Program and Fund.** Creates the Virginia Grocery Investment Program and Fund to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects, defined in the bill, in underserved communities.

*Patron - Bell, Richard P.*

**HB160 Building code; mutual assistance.** Provides that the governing body of any county, city, or town may enter into an agreement with another locality for the purpose of providing assistance on building code inspections, plan review, and permitting to a local building department in such locality.

*Patron - Cole*

**HB178 Virginia Fair Housing Law; exemptions.** Provides that it shall not be unlawful under the Virginia Fair Housing Law for any owner to deny or limit the rental of housing to persons whose payment of rent for such housing is con-

tingent upon the owner's acceptance of a contract authorizing payment of such rent by an entity or individual other than the lessee.

*Patron - Bell, Richard P.*

**[FHB282 Virginia Housing Development Authority Act; pilot program; home ownership; low income persons.]** Directs the Virginia Housing Development Authority to develop a pilot program providing support services, including counseling and financing assistance, to help low-income persons who are currently renters become home owners.

*Patron - McQuinn*

**[FHB391 Uniform Statewide Building Code; enforcement; inspection warrants; hoarding.]** Expands the circumstances in which an inspection warrant may be issued by a magistrate or court of competent jurisdiction to a local building official or his agent to include instances in which a local building department has received a complaint that a violation of the unsafe structures provisions of the Building Code exists due to documented prolonged and extensive hoarding by the owner, tenant, or occupant of any building, and the owner, tenant, or occupant has refused to allow the local building official or his agent access to such building or structure. The bill defines "hoarding" as the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens health, life, or safety.

*Patron - Keam*

**[FHB714 Uniform Statewide Building Code; Board of Housing and Community Development; provisions for buildings and structures in rural areas in which commercial enterprises are located.]** Directs the Board of Housing and Community Development to make amendments to the Uniform Statewide Building Code applicable to buildings and structures in rural areas in which commercial enterprises are located. The bill provides that the amendments shall not apply to any building or structure for which (i) a building permit has been issued or on which construction has commenced or (ii) working drawings have been prepared in the year prior to the effective date of the amendments. The bill also requires the Board to establish guidelines for the adequate training of building officials, enforcement personnel, contractors, and design professionals regarding Building Code provisions applicable to farm buildings and structures.

*Patron - Bell, Richard P.*

**[FHB971 Fair Housing Law; unlawful discrimination; gender identity.]** Adds discrimination based on gender identity as an unlawful housing practice under the Virginia Fair Housing Law. The bill also defines "gender identity."

*Patron - Guzman*

**[FHB1224 Uniform Statewide Building Code; applicability to farm buildings and structures.]** Provides that the current exemption for farm buildings and structures from the Uniform Statewide Building Code does not apply if a building or a portion of a building is operated as a licensed winery or farm winery or brewery under the provisions of the Alcoholic Beverage Control Act (§ 4.1-100 et seq.). The bill has a two-year delayed effective date to allow existing structures to come into compliance with the Uniform Statewide Building Code.

*Patron - Hugo*

**[FHB1408 Virginia Fair Housing Law; unlawful discriminatory housing practices.]** Adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

*Patron - Bourne*

**[FHB1476 Uniform Statewide Building Code.]** Directs the Board of Housing and Community Development to amend the Uniform Statewide Building Code (§ 36-97 et seq.) to require the installation of arc fault circuit interrupter protection for detached one-family and two-family dwellings and townhouses pursuant to the International Residential Code and in compliance with the requirements of the National Electrical Code.

*Patron - Hope*

**[FHB1547 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.

*Patron - Simon*

**[FSB37 Virginia Grocery Investment Program and Fund.]** Creates the Virginia Grocery Investment Program and Fund to provide funding for the construction, rehabilitation, equipment upgrades, or expansion of grocery stores, small food retailers, and innovative food retail projects, defined in the bill, in underserved communities. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Stanley*

**[FSB423 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.

*Patron - Wexton*

**[FSB743 Housing; installation and maintenance of smoke and carbon monoxide alarms.]** Creates a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property. The bill requires a landlord to (i) install a smoke alarm without retrofitting the installation site and (ii) certify annually that smoke alarms have been installed and maintained in good working order in a residential dwelling unit pursuant to the Statewide Fire Prevention Code (§ 27-94 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). The landlord is also required to install a carbon monoxide alarm upon request by a tenant; the installation and subsequent maintenance must be in compliance with the Statewide Fire Prevention Code and the Uniform Statewide Building Code. A tenant of a rental dwelling unit with a smoke alarm or both smoke and carbon monoxide alarms shall not tamper or remove such alarms. Under the bill, a reasonable accommodation must be made for persons who are deaf or hearing impaired, upon request. Localities that have enacted a fire and carbon monoxide alarm ordinance must conform such ordinances with these state standards by July 1, 2019. The bill also requires the Department of Housing and Community Development, in consultation with the Department of Fire Programs, to develop a form for landlords for use in certifying inspections that summarizes smoke alarm maintenance requirements for landlords and tenants. The bill is a recommendation of the Virginia Housing Commission. This bill was incorporated into SB 391.

*Patron - DeSteph*

**[FSB784 Uniform Statewide Building Code; Board of Housing and Community Development; provisions for buildings and structures in rural areas in which commercial enterprises are located.]** Directs the Board of Housing and Community Development to make amendments to the Uniform Statewide Building Code applicable to buildings and structures in rural areas in which commercial enterprises are located. The bill provides that the amendments shall not apply to any building or structure for which (i) a building permit has been issued or on which construction has commenced or (ii) working drawings have been prepared in the year prior to the effective date of the amendments. The bill also requires the Board to estab-

lish guidelines for the adequate training of building officials, enforcement personnel, contractors, and design professionals regarding Building Code provisions applicable to farm buildings and structures.

*Patron - Obenshain*

## Carried Over

**SB909 Virginia Fair Housing Law; unlawful discriminatory housing practices.** Adds discrimination on the basis of a person's source of income to the list of unlawful discriminatory housing practices. The bill defines "source of income" as any source that lawfully provides funds to or on behalf of a renter or buyer of housing, including any assistance, benefit, or subsidy program, whether such program is administered by a governmental or nongovernmental entity.

*Patron - McClellan*

## Institutions of Higher Education; Other Educational and Cultural Institutions

### Passed

**HB3 Dual enrollment courses; quality standards; transfer course credit.** Requires the State Board for Community Colleges, in coordination with the State Council of Higher Education for Virginia, the Department of Education, and the Virginia Association of School Superintendents, to develop and implement (i) a plan to achieve and maintain the same standards regarding quality, consistency, and level of evaluation and review for dual enrollment courses offered by local school divisions as are required for all courses taught in the Virginia Community College System and (ii) a process and criteria for determining whether any dual enrollment course offered in the Commonwealth that meets or exceeds such standards is transferable to a public institution of higher education as (a) a uniform certificate of general studies program or passport program course credit, (b) a general elective course credit, or (c) a course credit meeting other academic requirements of a public institution of higher education.

*Patron - Landes*

**HB165 Public institutions of higher education; loans to students; collection.** Requires each public institution that makes a loan to a student to (i) include in loan documents for each such loan an individual plan for the repayment of principal and interest and the payment of any late fees and clear and detailed information about the collection process for such loan pursuant to the Virginia Debt Collection Act, including information about the agency or entity that is responsible for collection, and (ii) establish a process for notifying each student or, in the case of an undergraduate student and as appropriate, the student's parent of any loan payment that is past due no later than (a) 30 days after such payment becomes past due and (b) if necessary, the end of the academic term during which such payment becomes past due. The bill permits each such institution, with the consent of the borrower, to modify the terms of any loan for which payments are past due to provide for repayment forbearance on such loan and repayment to commence on a mutually agreed-upon date in the future.

*Patron - Yancey*

**HB335 Jamestown-Yorktown Foundation; Yorktown Victory Center.** Renames the Yorktown Victory Center, operated by the Jamestown-Yorktown Foundation, as the American Revolution Museum at Yorktown.

*Patron - Ware*

**HB344 Public institutions of higher education in the Commonwealth; campus free speech; policies, materials, and reports.** Requires each public institution of higher education in the Commonwealth to (i) establish and include in its student handbook, on its website, and in its student orientation programs policies regarding speech that is protected under the First Amendment and the process to report incidents of disruption of such speech; (ii) develop materials on such policies and notify any employee who is responsible for the discipline or education of enrolled students of such materials; and (iii) develop, post on its website in a searchable, publicly accessible, and conspicuous manner, and submit to the Governor and the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1 of each year a report on the institution's compliance relating to free speech on campus.

*Patron - Landes*

**HB347 State Council of Higher Education for Virginia; longitudinal data.** Requires the data that the State Council of Higher Education for Virginia annually collects and publishes on (i) the percentage of graduates of public institutions of higher education and certain nonprofit private institutions of higher education in the Commonwealth who are known to be employed in the Commonwealth and (ii) the average salary and the average higher education-related debt for such graduates to be disaggregated by degree program and level. The bill requires an institution of higher education for which such data is collected and published to provide a link on its website to such data and make such link available to each admitted student.

*Patron - Landes*

**HB454 Public institutions of higher education; governing boards; open educational resources.** Requires the governing board of each public institution of higher education to implement guidelines for the adoption and use of low-cost and no-cost open educational resources in courses offered at such institution. The bill provides that such guidelines may include provisions for low-cost commercially published materials.

*Patron - Filler-Corn*

**HB589 Institutions of higher education; diplomas; proof of education; method.** Provides that each public institution of higher education and private institution of higher education may provide any diploma or other proof of education to requesting individuals or entities using the method that it deems most appropriate, in either electronic or paper form. The bill requires the State Council of Higher Education in Virginia to post on its website a statement in accordance with such institutional authority.

*Patron - Davis*

**HB897 Governing boards of public institutions of higher education; six-year plans.** Specifies that the six-year plan and amendments to or affirmation of such plan that are required to be submitted no later than July 1 of each year to various executive and legislative entities and individuals by the governing board of each public institution of higher education shall be a preliminary version and prohibits any such preliminary plan, amendments, or affirmation from being posted on the General Assembly's website. The bill requires each such governing board to submit a finalized version of such plan, amendments, or affirmation no later than December 1 of the same year and requires such finalized version to be posted on the General Assembly's website.

*Patron - Landes*

**HB919 Public institutions of higher education; course credit.** Makes several changes relating to course credit at public institutions of higher education in the Commonwealth, including requiring (i) the Virginia Community College System to develop a 15-credit-hour Passport Program and a 30-credit-hour Uniform Certificate of General Studies Program to be offered at each comprehensive community college



and for which courses are transferable, except in certain circumstances, to each baccalaureate public institution of higher education and (ii) each baccalaureate public institution of higher education to develop pathway maps that clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution. This bill is identical to SB 631. This bill received Governor's recommendations.

*Patron - Jones, S.C.*

**[P]HB1138 Office of the Qualified Education Loan Ombudsman.** Establishes the Office of the Qualified Education Loan Ombudsman (the Office) within the State Council of Higher Education for Virginia. The Office's duties include (i) receiving, reviewing, and attempting to resolve complaints from qualified education loan borrowers; (ii) compiling and analyzing data on such complaints; (iii) assisting qualified education loan borrowers to understand their rights and responsibilities under the terms of qualified education loans; (iv) providing information regarding the problems and concerns of qualified education loan borrowers; (v) analyzing and monitoring the development and implementation of applicable laws and policies; and (vi) disseminating information concerning the availability of the Office to assist qualified education loan borrowers and any other participant in qualified education loan lending with qualified education loan servicing concerns. The Office is further required to establish and maintain a qualified education loan borrower education course by December 1, 2019. This bill is identical to SB 394.

*Patron - Price*

**[P]HB1181 Online Virginia Network Authority.** Adds the Chancellor of the Virginia Community College System or his designee and one nonlegislative citizen member appointed by the State Board for Community Colleges to the members of the board of trustees of the Online Virginia Network Authority (Authority). The bill also provides that the Online Virginia Network, established by the Authority, will facilitate the completion of degrees at comprehensive community colleges as well as at George Mason University and Old Dominion University. This bill is identical to SB 760.

*Patron - Rush*

**[P]HB1265 Education preparation programs; reading specialists; dyslexia.** Requires each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, or certificate for reading specialists to include a program of coursework or other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. The bill requires such programs to (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of an evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential, and cumulative instruction. This bill is identical to SB 368.

*Patron - Cline*

**[P]HB1430 Public institutions of higher education; crisis and emergency management plan; annual exercise.** Requires each public institution of higher education to annually conduct a test or exercise in accordance with the protocols established by the institution's crisis and emergency management plan and certify in writing to the Department of Emergency Management that such a test or exercise was conducted. Under current law, each such institution is required to annually conduct a functional exercise in accordance with the protocols of such plan. The bill declares that the activation of its crisis and emergency management plan and completion of an after-action report by a public institution of higher education in response to an actual event or incident satisfies the requirement to conduct such a test or exercise. This bill is identical to SB 931.

*Patron - Bulova*

**[P]HB1467 Virginia Research Investment Committee; membership; emergency.** Replaces the Secretary of Technology with the Secretary of Commerce and Trade on the Virginia Research Investment Committee. The bill contains an emergency clause.

*Patron - Jones, S.C.*

**[P]SB143 Mortuary science education; practical experience required.** Requires every public institution of higher education that offers a degree in mortuary science to require students to complete practical experience in the areas of funeral service and embalming prior to graduation from such program. The bill also provides that a person who is duly enrolled in a mortuary education program may assist in embalming while under the supervision of a funeral service licensee or embalmer with an active, unrestricted license issued by the Board of Funeral Directors and Embalmers, provided that such embalming occurs in a funeral service establishment licensed by the Board and in accordance with regulations promulgated by the Board.

*Patron - Spruill*

**[P]SB227 New College Institute; powers and duties of board.** Requires the board of directors of the New College Institute to seek opportunities to collaborate with local comprehensive community colleges to meet specialized noncredit workforce training needs identified by industry. However, if the local comprehensive community colleges are unable to meet such needs, the board may seek to collaborate with other education providers or other public or private organizations to provide specialized noncredit workforce training.

*Patron - Stanley*

**[P]SB295 Roanoke Higher Education Authority; board of trustees; membership.** Removes the presidents of Hollins University and Roanoke College from and adds the president of Virginia Commonwealth University to the board of trustees of the Roanoke Higher Education Authority.

*Patron - Edwards*

**[P]SB368 Education preparation programs; reading specialists; dyslexia.** Requires each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, or certificate for reading specialists to include a program of coursework or other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. The bill requires such programs to (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of an evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential, and cumulative instruction. This bill is identical to HB 1265.

*Patron - Newman*

**[P]SB394 Office of the Qualified Education Loan Ombudsman.** Establishes the Office of the Qualified Education Loan Ombudsman (the Office) within the State Council of Higher Education for Virginia. The Office's duties include (i) receiving, reviewing, and attempting to resolve complaints from qualified education loan borrowers; (ii) compiling and analyzing data on such complaints; (iii) assisting qualified education loan borrowers to understand their rights and responsibilities under the terms of qualified education loans; (iv) providing information regarding the problems and concerns of qualified education loan borrowers; (v) analyzing and monitoring the development and implementation of applicable laws and policies; and (vi) disseminating information concerning the availability of the Office to assist qualified education loan borrowers and any other participant in qualified education loan lending with qualified education loan servicing concerns. The Office is further required to establish and maintain a qualified

education loan borrower education course by December 1, 2019. This bill is identical to HB 1138.

*Patron - Howell*

**[P]SB411 Higher education; governing boards; appointment.** Clarifies that nonlegislative citizen members of the State Council of Higher Education for Virginia and the Eastern Virginia Medical School Board of Visitors shall continue to hold office until their successors have been appointed and qualified. Under current law, such members continue to hold office until their successors have been appointed and confirmed. The bill is a recommendation of the Code Commission.

*Patron - McDougale*

**[P]SB568 Public institutions of higher education; student loan information.** Requires any public institution of higher education that receives federal education loan information for a student enrolled in the institution to provide such student, at least once during each academic year, certain information and estimates regarding the student's federal education loans.

*Patron - Obenshain*

**[P]SB631 Public institutions of higher education; course credit.** Makes several changes relating to course credit at public institutions of higher education in the Commonwealth, including requiring (i) the Virginia Community College System to develop a 15-credit-hour Passport Program and a 30-credit-hour Uniform Certificate of General Studies Program to be offered at each comprehensive community college and for which courses are transferable, except in certain circumstances, to each baccalaureate public institution of higher education and (ii) each baccalaureate public institution of higher education to develop pathway maps that clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution. This bill incorporates SB 77 and SB 107 and is identical to HB 919. This bill received Governor's recommendations.

*Patron - Dunnivant*

**[P]SB747 Public institutions of higher education; guaranteed admissions agreements.** Provides that the guaranteed admissions agreements between baccalaureate public institutions of higher education and associate-degree-granting public institutions of higher education may provide for the guaranteed admission of a student who earns an associate degree concurrently with a high school diploma through a dual enrollment program, as well as any student who earns an associate degree after high school.

*Patron - Sturtevant*

**[P]SB760 Online Virginia Network Authority.** Adds the Chancellor of the Virginia Community College System or his designee and one nonlegislative citizen member appointed by the State Board for Community Colleges to the members of the board of trustees of the Online Virginia Network Authority (Authority). The bill also provides that the Online Virginia Network, established by the Authority, will facilitate the completion of degrees at comprehensive community colleges as well as at George Mason University and Old Dominion University. This bill incorporates SB 724 is identical to HB 1181.

*Patron - Newman*

**[P]SB931 Public institutions of higher education; crisis and emergency management plan; annual exercise.** Requires each public institution of higher education to annually conduct a test or exercise in accordance with the protocols established by the institution's crisis and emergency management plan and certify in writing to the Department of Emergency Management that such a test or exercise was conducted. Under current law, each such institution is required to annually conduct a functional exercise in accordance with the protocols of such plan. The bill declares that the activation of its crisis and emergency management plan and completion of an after-action report by a public institution of higher education in

response to an actual event or incident satisfies the requirement to conduct such a test or exercise. This bill is identical to HB 1430.

*Patron - Lewis*

**[P]SB932 Old Dominion University; board of visitors.** Provides that the rector, vice-rector, and secretary of the board of visitors of Old Dominion University shall assume their duties on July 1 of the year they are elected.

*Patron - Lewis*

## Failed

**[F]HB11 In-state tuition; domicile; individuals granted Deferred Action for Childhood Arrivals.** Declares, absent congressional intent to the contrary, that any individual currently granted Deferred Action for Childhood Arrivals by U.S. Citizenship and Immigration Services has the capacity to intend to remain in the Commonwealth indefinitely and is therefore eligible to establish domicile and receive in-state tuition charges at any public institution of higher education in the Commonwealth.

*Patron - Kory*

**[F]HB19 Eligibility for in-state tuition; certain individuals who have applied for permanent residency; certain individuals approved under deferred action programs.** Declares eligible for in-state tuition any individual who (i) attended a public or private high school in the Commonwealth for at least three years; (ii) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (iii) registers as an entering student at or is enrolled in a public institution of higher education; (iv) provides an affidavit to the public institution of higher education at which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency; and (v) submits evidence to the institution at which he has registered as an entering student or is enrolled that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of registration as an entering student or enrollment. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and his application for permanent residency has not been denied. The bill also prohibits any student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood Arrivals program or any other federal deferred action program from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program.

*Patron - Lopez*

**[F]HB46 Public institutions of higher education; in-state tuition; certain residents of United States territories.** Declares eligible for in-state tuition at public institutions of higher education until July 1, 2022, any resident of a United States territory for which a major disaster has been declared by the President of the United States in 2017.

*Patron - Krizek*

**[F]HB249 Baccalaureate public institutions of higher education; fixed in-state tuition rates.** Requires the governing board of each baccalaureate public institution of higher education in the Commonwealth to annually establish a fixed in-state tuition rate for each incoming first year or transfer undergraduate Virginia student and declares eligible for such rate (i) each incoming first year student enrolled in a four-year baccalaureate degree program for four academic years or any

portion or term thereof and (ii) each incoming transfer student enrolled in a four-year baccalaureate degree program for the remainder of the academic years or any portion or term thereof during which he makes satisfactory progress toward completing such degree program, provided that any such first year or transfer student maintains continuous enrollment. The bill permits such governing boards to grant (a) an exception to the requirement for continuous enrollment on a case-by-case basis to students whose enrollment is substantially disrupted or (b) any other exception to the foregoing requirements that the governing board deems appropriate, including an exception for eligible students who are enrolled in baccalaureate degree programs that require five academic years to complete.

*Patron - Miyares*

**HB327 Public institutions of higher education; graduation requirements; civics course.** Requires each undergraduate student at each public institution of higher education to successfully complete at least one civics course at such institution in order to graduate.

*Patron - Yancey*

**HB343 Eligibility for in-state tuition; certain individuals who have applied for permanent residency.** Declares eligible for in-state tuition any individual who (i) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (ii) registers as an entering student or is enrolled in a public institution of higher education; (iii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least one year prior to the date of registration or enrollment; and (iv) provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency.

*Patron - Boysko*

**HB351 Public institutions of higher education; tuition and room and board; enrollment.** Requires, for the next four academic years, the tuition charged to Virginia students at each public institution of higher education to be capped at the rate charged to such students for the first academic term of the 2017-2018 academic year. The bill permits, during such four-year period, the room and board charged to such students to be increased on an annual basis in advance of the first academic term of the academic year, but requires the percentage of such increase to be capped at 90 percent of the annual percentage increase in the Average Consumer Price Index for all items, all urban consumers (CPI-U) for the preceding calendar year. The bill also requires, for the next four academic years, the percentage of non-Virginia students enrolled at each public institution of higher education to be capped at the percentage of such students enrolled for the first academic term of the 2017-2018 academic year and does not prohibit an increase in the tuition or room and board charged to such students during such four-year period.

*Patron - Reid*

**HB457 ABLÉ savings trust agreements; elimination of Medicaid clawback.** Provides that the beneficiary of an ABLÉ savings trust account may appoint a survivor. In the event of the beneficiary's death, if the survivor is eligible under federal law as a beneficiary of an ABLÉ savings trust account, then he would become the new beneficiary of the account. If the survivor is not eligible, then any proceeds remaining in the account would be distributed to the survivor and the account would be closed. The bill prohibits the Commonwealth from seeking estate recovery or payment from the proceeds of the deceased beneficiary's account for benefits provided to him.

Under current law, if the beneficiary of an ABLÉ savings trust account dies, his state of residence becomes a creditor of the account and may seek payment under federal law for Medicaid benefits provided to the beneficiary while he was alive.

*Patron - Filler-Corn*

**HB470 Dependents of disabled veterans; waiver of tuition and mandatory fees.** Declares eligible for a waiver of tuition and mandatory fees, excluding room and board, at public institutions of higher education an admitted dependent student if (i) such student's parent is a veteran who (a) has made the Commonwealth his military home of record, (b) has resided in the Commonwealth for at least three years, and (c) is at least 90 percent permanently disabled due to such service and (ii) no sibling of such student has received such a waiver through the same veteran parent.

*Patron - Reid*

**HB476 Community service careers; tuition and fee waivers at public institutions of higher education.** Requires the State Council of Higher Education for Virginia (the Council) to establish and administer a community service career incentive program (the program) by which any student who is enrolled at a public institution of higher education, intends to pursue a community service career in an area of the Commonwealth in which there is a high need for professionals in such community service career, and meets certain other eligibility criteria established by the Council may apply to the Council for a renewable waiver of tuition and mandatory fees, including room and board. The bill requires each student who is granted a waiver by the Council pursuant to the program to enter into an agreement with the Council to serve in a community service career in an area of the Commonwealth in which there is a high need for professionals in such community service career for a period that is at least equal to the duration of the waiver and, in the event that he does not complete such service, to repay to the Council an amount equal to the full value of the waiver on the terms and in the manner that the Council prescribes. The bill requires each public institution of higher education to include in its catalog or equivalent publication a statement describing the waivers available pursuant to the program.

*Patron - Reid*

**HB535 Public institutions of higher education; dual enrollment course credit.** Provides that credit received for the successful completion of any dual enrollment course offered pursuant to an agreement for postsecondary degree attainment between a comprehensive community college and a public high school shall satisfy degree requirements at each public institution of higher education.

*Patron - Freitas*

**HB615 Virginia Student Loan Refinancing Authority; refinancing loan guaranty program.** Establishes the Virginia Student Loan Refinancing Authority (the Authority), to be governed by a 10-member board, for the purpose of developing and implementing a program by which the Authority may guarantee the obligations of an individual who incurred qualified education loan debt as a Virginia student at an institution of higher education in the Commonwealth under loans that refinance such education loan debt. The measure limits eligibility to individuals who have not received, and are not eligible to receive, relief under applicable federal student loan repayment or loan forgiveness programs. The Authority is authorized to issue bonds to finance its obligations under such loan guarantees.

*Patron - Price*

**HB643 First responders; reduced rate tuition.** Requires each public institution of higher education to reduce by a rate of five percent the tuition charged to any enrolled student who is a first responder or the child of a first responder, regardless of the domicile of any such individual. The bill defines "first responder" as any emergency medical services agency employee, firefighter, law-enforcement officer, mem-

ber of a search and rescue organization, member of a regional hazardous materials emergency response team, member of a community emergency response team, or member of a medical reserve corps who responds to and provides assistance during an emergency.

*Patron - Hope*

**HB658 Public institutions of higher education; campus housing.** Provides that except in the case of students participating in a Reserve Officers' Training Corps program on campus or students enrolled at the Virginia Military Institute, no student enrolled at a public institution of higher education shall be required to live in a campus housing facility.

*Patron - Freitas*

**HB685 Cybersecurity Student Loan Repayment Grant Program established; report.** Establishes the Cybersecurity Student Loan Repayment Grant Program, to be administered by the State Council of Higher Education for Virginia (the Council), whereby renewable grants of up to \$20,000 of matching state and employer funds are provided on a competitive basis to an individual who (i) either (a) graduated within the past year from a public institution of higher education or regionally accredited private institution of higher education with an undergraduate or graduate degree in computer science or another academic program recognized by the Council to prepare an individual for a career in cybersecurity and who resides in the Commonwealth or (b) has served on active duty in the Armed Forces of the United States, was discharged or released within the past year from such service under conditions other than dishonorable, gained experience or received training in computer science during such service, and resides in the Commonwealth and (ii) accepts an offer of employment in a computer science position with any federal or state organization, including any federal or state military or defense organization, that is located in the Commonwealth or any private organization that contractually provides cybersecurity services for any such federal or state organization and that is located in the Commonwealth. The bill contains provisions relating to program administration and dissemination of information and reporting on the program.

*Patron - Ransone*

**HB748 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 - Leftwich*

**HB764 Consortium Comprehensive Cancer Center Advisory Board established.** Establishes as an independent advisory board in state government a 13-member Consortium Comprehensive Cancer Center Advisory Board, consisting of the President of Virginia Commonwealth University or his designee, one member of the Virginia Commonwealth University Board of Visitors, the Vice President for Health Sciences at Virginia Commonwealth University or his designee, the President of the University of Virginia or his designee, one member of the University of Virginia Board of Visitors, the Executive Vice President for Health Affairs at the University of Virginia or his designee, one representative of Eastern Virginia Medical School, one representative of Virginia Tech Carilion School of Medicine and Research Institute, and five other nonlegislative citizen members, to study the requirements for designation as a consortium Comprehensive Cancer Center by the National Cancer Institute and make recommendations to Virginia Commonwealth University and the University of Virginia relating to the process for establishing a joint National Cancer Institute-designated consortium Comprehensive Cancer Center, including recommendations relating to a joint leadership structure,

research integration, and programmatic integration. The provisions of the bill sunset on July 1, 2021.

*Patron - Jones, S.C.*

**HB837 First Chance Trust Fund and First Chance Program.** Creates in the state treasury the First Chance Trust Fund (Trust Fund), consisting of (i) any appropriated funds, gifts, donations, grants, bequests, or other funds received on its behalf; (ii) payments required to be withheld by the Department of Corrections on any public contract that exceeds \$5,000,000 annually in an amount equal to one percent of the total annual value of such public contract; and (iii) any payments permitted to be withheld by any other agency of the Commonwealth on any public contract that exceeds \$5,000,000 annually in an amount no greater than one percent of the total annual value of such public contract. The bill establishes, and requires the Board of Corrections to administer, the First Chance Program (the Program) whereby moneys from the Trust Fund are utilized to award (a) a scholarship to attend a public institution of higher education in the Commonwealth to any student who attends a public high school that is located in a region of the Commonwealth that has a high school dropout rate, poverty rate, or incarceration rate that is higher than the relevant average rate in the Commonwealth or (b) a grant to any private, nonprofit social services organization that is located in a region of the Commonwealth that has a high school dropout rate, poverty rate, or incarceration rate that is higher than the relevant average rate in the Commonwealth. The bill requires the Board of Corrections to report annually to the Chairmen of the House Committee on Appropriations, the House Committee on Courts of Justice, the Senate Committee on Courts of Justice, and the Senate Committee on Finance on the revenues of and expenditures from the Trust Fund in the prior fiscal year and the number, amount, type, and recipients of scholarships and grants made pursuant to the Program in the prior fiscal year.

*Patron - Bagby*

**HB968 Virginia Student Loan Authority established.** Establishes the Virginia Student Loan Authority, to be governed by a 10-member board, for the purpose of developing and implementing a program by which (i) each individual who incurred qualified education loan debt as a Virginia student at a public institution of higher education or private institution of higher education 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, and (ii) each Virginia student 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 direct qualified education loan from the Authority to attend a public institution of higher education or private institution of higher education.

*Patron - Simon*

**HB982 Public institutions of higher education; funding.** Eliminates the targeted financial incentives currently made available to public institutions of higher education and provides that (i) 50 percent of the funds appropriated for public institutions of higher education from the state general fund or sources other than the state general fund, or both, for each fiscal year of each biennium shall be equitably apportioned among each public institution of higher education for basic operations and instruction, each Virginia undergraduate student actually enrolled at the institution, and need-based financial aid and (ii) the other 50 percent shall be apportioned among such institutions on the basis of performance metrics: percentage of Virginia students enrolled, tuition rates, average amount of time it takes students to complete degrees, student graduation rates, and student employment rates and median salaries six months after graduation.

*Patron - Davis*

**HB1191 Eligibility for in-state tuition; certain individuals who have applied for asylum.** Declares eligible for in-state tuition any individual who (i) attended a public or private high school in the Commonwealth for at least three years; (ii) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (iii) registers as an entering student at or is enrolled in a public institution of higher education; (iv) provides an affidavit to the public institution of higher education at which he has registered as an entering student or is enrolled stating that he has filed with U.S. Citizenship and Immigration Services an application for asylum; and (v) submits evidence to the institution at which he has registered as an entering student or is enrolled that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of registration as an entering student or enrollment. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and his application for asylum has not been denied.

*Patron - Bulova*

**HB1199 Virginia College Savings Plan.** Makes several changes to the provisions that establish the Virginia College Savings Plan (the Plan), including (i) clarifying that members of the Plan's governing board (the board) are required to disclose personal interests pursuant to the State and Local Government Conflict of Interests Act, (ii) permitting the Plan to maintain an independent disbursement system for the disbursement of prepaid tuition contract benefits, and (iii) requiring each prepaid tuition contract entered into on or after July 1, 2018, to include provisions for the application of tuition prepayments, at a rate equal to the percentage of enrollment-weighted average tuition at public institutions of higher education to be determined by the board, at (a) public institutions of higher education, (b) accredited nonprofit independent or private institutions of higher education, and (c) non-Virginia public and accredited nonprofit independent or private institutions of higher education, provided that no such payment is less than the sum of tuition prepayments made, less any fees as determined by the board.

*Patron - Robinson*

**HB1274 Public institutions of higher education in the Commonwealth; expressive activity on campus.** Establishes several provisions for the protection of expressive activity on the campus of each public institution of higher education, including (i) permitting any individual who wishes to engage in noncommercial expressive activity on campus to do so freely, as long as such expressive activity does not materially and substantially disrupt the functioning of the public institution of higher education and (ii) prohibiting any public institution of higher education from (a) denying a student organization any benefit or privilege available to any other student organization, or otherwise discriminating against a student organization, on the basis of the expressive activity of the members of such organization or (b) restricting a student organization's ability to require any leader or other member of such organization to affirm and adhere to the organization's sincerely held beliefs, comply with the organization's standards of conduct, or further the organization's self-defined mission or purpose.

*Patron - LaRock*

**HB1279 Public institutions of higher education; policies for the award of academic credit for military training.** Requires the governing board of each public institution of higher education to adopt a policy for the award of academic credit to any student enrolled at the institution who has successfully completed a military training course or program as part of his military service that is applicable to the student's certificate of degree requirements and is recommended for academic credit by a national higher education association that provides academic credit recommendations for military training courses or programs, noted on the student's military tran-

script issued by any of the Armed Forces of the United States or otherwise documented in writing by any of the Armed Forces of the United States.

*Patron - Tran*

**HB1321 Public institutions of higher education; articulation agreements.** Requires each articulation agreement between each baccalaureate public institution of higher education and associate-degree-granting public institution of higher education to (i) require the articulation of course credit earned within an academic major at the associate-degree-granting institution of higher education in cases in which the baccalaureate public institution of higher education offers the same academic major or similar academic majors and (ii) provide for the articulation of course credit for the successful completion of a dual enrollment course at a public high school in the same manner as is provided for the successful completion of a dual enrollment course at a comprehensive community college.

*Patron - Cole*

**HB1322 Dual enrollment agreements; scope.** Requires each dual enrollment agreement to permit students enrolled at the relevant high school and students enrolled at the relevant comprehensive community college to participate in any dual enrollment course on a space-available basis, regardless of whether such course is offered at the relevant high school or at the relevant comprehensive community college.

*Patron - Cole*

**HB1332 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. Under the provisions of the bill, eligibility for stipends from the Virginia Military Survivors and Dependents Education Fund is unchanged.

*Patron - Torian*

**HB1371 Public institutions of higher education; tuition and mandatory fee waivers; certain veterans.** Provides that a veteran, as defined in the bill, is entitled to a waiver of undergraduate tuition and mandatory fees for up to 150 credit hours at any public institution of higher education if (i) he resided in the Commonwealth for at least six months immediately preceding his entrance into service in the Armed Forces of the United States, (ii) he served on active duty in the Armed Forces of the United States for at least one year, (iii) he returned to reside in the Commonwealth within six months of his discharge from service in the Armed Forces of the United States, and (iv) he resides in the Commonwealth.

*Patron - Turpin*

**HB1425 Higher education; tuition waiver for dependent children of faculty.** Authorizes public institutions of higher education to grant full or partial tuition waivers to dependent students of faculty members employed by the institution, to be paid out of the institution's nongeneral funds and used for undergraduate education. The bill would also authorize such institutions to enter into reciprocal agreements that would allow the dependents of faculty to use waivers at other public institutions of higher education that are party to the agreement.

*Patron - Rodman*

**HB1447 Public institutions of higher education; tuition; domicile; immigration status.** Removes the prohibition on in-state tuition eligibility for individuals who hold a student visa or another temporary visa.

*Patron - Guzman*

**HB1463 Service in the Armed Forces of the United States; course credit; transfer.** Requires the policies imple-

mented by each baccalaureate public institution of higher education for the purpose of awarding academic credit to students for educational experience gained from service in the Armed Forces of the United States to provide for the acceptance of academic credit awarded by any associate-degree-granting public institution of higher education pursuant to its policies for the award of such credit.

*Patron - Tran*

**HB1473 Public institutions of higher education; tuition and fee increases; notice and public comment.** Prohibits the governing board of each public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without providing students, certain parents, and the public notice of and an opportunity to provide public comment at a board meeting in advance of any vote on such an increase.

*Patron - Miyares*

**HB1474 Governing boards of public institutions of higher education; educational programs.** Requires educational programs for the governing boards of public institutions of higher education to include presentations relating to (i) board members' primary duty to the citizens of the Commonwealth and (ii) student debt trends.

*Patron - Miyares*

**HB1512 Public institutions of higher education; tuition and room and board; enrollment.** Requires that the tuition charged to Virginia students at each public institution of higher education be capped at the rate charged to such students for the first academic term of the 2017-2018 academic year. The bill permits the room and board charged to such students to be increased on an annual basis in advance of the first academic term of the academic year, but requires the percentage of such increase to be capped at 90 percent of the annual percentage increase in the Average Consumer Price Index for all items, all urban consumers (CPI-U) for the preceding calendar year. The bill also requires the percentage of non-Virginia students enrolled at each public institution of higher education to be capped at 25 percent beginning with the first academic term of the 2018-2019 academic year and does not prohibit an increase in the tuition or room and board charged to such students.

*Patron - Davis*

**HB1542 State Council of Higher Education for Virginia; postsecondary schools; closure.** Requires the State Council of Higher Education for Virginia (Council) to adopt regulations to secure adequate funds to manage financial liabilities resulting from the closure of certified postsecondary schools, which regulations are to provide (i) procedures governing the administration of a student tuition guaranty fund that may be utilized upon closure of a certified postsecondary school to provide refunds of tuition and fees to students enrolled in or on an approved leave of absence from such school at the time of its closure and (ii) procedures to ensure funds are available to pay for expenses borne by the Council as a result of the closure of a certified postsecondary school, including charges for securing student records, administering teach out plans, and storage, which procedures may provide for requirements for certified postsecondary schools to contribute funds for such expenses through a student tuition guaranty fund, surety bonds, or irrevocable letters of credit or any combination thereof.

*Patron - Murphy*

**SB60 Tuition Assistance Grant Program; eligible institutions.** Removes the requirement for private institutions of higher education to operate on a not-for-profit basis in order to be eligible to participate in the Tuition Assistance Grant Program.

*Patron - DeSteph*

**SB77 Dual enrollment courses; quality standards; universal transfer course credit.** Requires the State Council

of Higher Education for Virginia (the Council), in consultation with the Department of Education and each public institution of higher education, to establish (i) quality standards for dual enrollment courses, including quality standards for course instructors, materials, and content; (ii) a process by which dual enrollment courses that meet or exceed such quality standards are certified as universal transfer courses that satisfy course credit or other academic requirements at any public institution of higher education; and (iii) a policy for the satisfaction of course credit or other academic requirements through the successful completion of universal transfer courses by entering students that (a) identifies the course credit or other academic requirements of each public institution of higher education that the student satisfies by successfully completing a universal transfer course and (b) ensures, to the extent possible, that the satisfaction of course credit or other academic requirements is consistent across each public institution of higher education and each such universal transfer course. The provisions of the bill replace existing provisions that require the Council and each public institution of higher education to establish policies relating to course credit for dual enrollment courses but that do not provide for quality standards or the universal transfer designation for such courses. This bill was incorporated into SB 631.

*Patron - Sturtevant*

**SB237 In-state tuition; domicile; individuals granted Deferred Action for Childhood Arrivals.** Declares, absent congressional intent to the contrary, that any individual currently granted Deferred Action for Childhood Arrivals by U.S. Citizenship and Immigration Services has the capacity to intend to remain in the Commonwealth indefinitely and is therefore eligible to establish domicile and receive in-state tuition charges at any public institution of higher education in the Commonwealth.

*Patron - Marsden*

**SB377 Higher education; in-state tuition.** Prohibits any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds the annual percentage increase, as determined by the State Council of Higher Education for Virginia, of the median household income in the Commonwealth, established by the U.S. Department of Housing and Urban Development, of the calendar year immediately preceding the affected year.

*Patron - DeSteph*

**SB435 Higher education; members of governing boards; duties.** Provides that the primary duty of any member of a governing board of a public institution of higher education is to the Commonwealth. The bill requires that the educational programs for the governing boards of public institutions of higher education, developed by the State Council of Higher Education for Virginia, shall include presentations on such primary duty.

*Patron - DeSteph*

**SB438 Virginia Student Loan Refinancing Authority; refinancing loan guaranty program.** Establishes the Virginia Student Loan Refinancing Authority (the Authority), to be governed by a 10-member board, for the purpose of developing and implementing a program by which the Authority may guarantee the obligations of an individual who incurred qualified education loan debt as a Virginia student at an institution of higher education in the Commonwealth under loans that refinance such education loan debt. The Authority is authorized to issue bonds to finance its obligations under such loan guarantees.

*Patron - Wexton*

**SB439 Office of the Student Loan Ombudsman.** Establishes the Office of the Student Loan Ombudsman within the State Council of Higher Education for Virginia. The Office of the Student Loan Ombudsman is required to provide timely assistance to any student loan borrower of any student educa-

tion loan in the Commonwealth. The Office of the Student Loan Ombudsman is further required to establish and maintain a student loan borrower education course that shall cover key loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan forgiveness, and disclosure requirements. This bill was incorporated into SB 394.

*Patron - Wexton*

**SB462 Members of the Virginia National Guard; education grants.** Provides that the cost of textbooks will be included in the calculation of the amount of Virginia National Guard education grants, and clarifies that the eligibility requirement of a two-year remaining obligation is from the last day of the semester or term for which the grant is awarded. This bill incorporates SB 849.

*Patron - Reeves*

**SB570 Eligibility for in-state tuition charges; members of the Virginia National Guard.** Declares eligible for in-state tuition charges any member of the Virginia National Guard, regardless of the active status or domicile of such individual. The bill contains technical amendments.

*Patron - DeSteph*

**SB577 Higher education; in-state tuition.** Prohibits any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds the annual percentage increase, as determined by the State Council of Higher Education for Virginia, in the national average wage index as defined in § 209(k)(1) of the Social Security Act, 42 U.S.C. 409(k)(1), of the calendar year immediately preceding the affected year.

*Patron - DeSteph*

**SB638 Virginia Community College System continued as the Virginia College System.** Renames the Virginia Community College System as the Virginia College System. The bill also renames the Chancellor and State Board for Community Colleges as the Chancellor of the Virginia College System and State Board for the College System.

*Patron - Dunnivant*

**SB656 Virginia College Savings Plan.** Makes several changes to the provisions that establish the Virginia College Savings Plan (the Plan), including (i) clarifying that members of the Plan's governing board (the board) are required to disclose personal interests pursuant to the State and Local Government Conflict of Interests Act, (ii) permitting the Plan to maintain an independent disbursement system for the disbursement of prepaid tuition contract benefits, and (iii) requiring each prepaid tuition contract entered into on or after July 1, 2018, to include provisions for the application of tuition prepayments, at a rate equal to the percentage of enrollment-weighted average tuition at public institutions of higher education to be determined by the board, at (a) public institutions of higher education, (b) accredited nonprofit independent or private institutions of higher education, and (c) non-Virginia public and accredited nonprofit independent or private institutions of higher education, provided that no such payment is less than the sum of tuition prepayments made, less any fees as determined by the board.

*Patron - Hanger*

**SB724 Online Virginia Network Authority.** Adds the Chancellor of the Virginia Community College System and one nonlegislative citizen member appointed by the State Board for Community Colleges to the members of the board of trustees of the Online Virginia Network Authority (Authority). The bill also provides that the Online Virginia Network, established by the Authority, will facilitate the completion of degrees at comprehensive community colleges as well as at George Mason University and Old Dominion University. This bill was incorporated into SB 760.

*Patron - Dunnivant*

**SB749 Higher education; in-state tuition.** Prohibits, without the prior statutory approval of the General Assembly, any percentage increase in in-state tuition for undergraduate students at Virginia's public institutions of higher education that exceeds twice the annual percentage increase, as determined by the State Council of Higher Education for Virginia, 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*

**SB810 Eligibility for in-state tuition; certain individuals who have applied for permanent residency.** Declares eligible for in-state tuition any individual who (i) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (ii) registers as an entering student or is enrolled in a public institution of higher education; (iii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least one year prior to the date of registration or enrollment; and (iv) provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency.

*Patron - Marsden*

**SB824 Public institutions of higher education; tuition and fee increases; public comment.** Prohibits the governing board of each public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without providing students and the public an opportunity to provide public comment at a board meeting at least 30 days prior to any vote on such an increase.

*Patron - Petersen*

**SB836 Public institutions of higher education; tuition and room and board; enrollment.** Requires, for the next two academic years, the tuition charged to Virginia students at each public institution of higher education to be capped at the rate charged to such students for the first academic term of the 2017-2018 academic year. The bill permits, during such two-year period, the room and board charged to such students to be increased on an annual basis in advance of the first academic term of the academic year, but requires the percentage of such increase to be capped at 90 percent of the annual percentage increase in the Average Consumer Price Index for all items, all urban consumers (CPI-U) for the preceding calendar year.

*Patron - DeSteph*

**SB849 Tuition Assistance Grants and National Guard grant.** Removes the requirement for private institutions of higher education to operate on a nonprofit basis in order to be eligible to participate in the Tuition Assistance Grant Program. The bill also provides that certain members of the Virginia National Guard may be eligible to receive grant funds if they are enrolled in an accredited private institution of higher education. Under current law, such members are not eligible if they are enrolled in an accredited proprietary private institution of higher education. This bill was incorporated into SB 462.

*Patron - Cosgrove*

**SB870 Certain educational institutions; designation of governing boards.** Renames as boards of trustees the boards of visitors of certain educational institutions in the Commonwealth, including baccalaureate public institutions of higher education.

*Patron - DeSteph*



---

## Carried Over

---

**[C]HB659 Distance learning reciprocity agreements; out-of-state providers.** Prohibits an out-of-state degree-granting postsecondary school from providing distance learning from a location outside of the Commonwealth to Virginia students unless such postsecondary school participates in an interstate distance learning reciprocity agreement entered into by the Council.

*Patron - Murphy*

**[C]SB259 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*

**[C]SB373 Higher education; in-state tuition.** Prohibits any percentage increase in in-state tuition or instructional fees for undergraduate students at Virginia's public institutions of higher education that exceeds the annual percentage increase, as determined by the State Council of Higher Education for Virginia, 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 - DeSteph*

---

## Insurance

---

---

### Passed

---

**[P]HB139 Health insurance; physician reimbursements; credentialing.** Requires health insurers and other carriers that credential the physicians in their provider networks to establish reasonable protocols and procedures for reimbursing a physician who has submitted a completed credentialing application to a carrier, after being credentialed by the carrier, for health care services provided to covered persons during the period in which the applicant's completed credentialing application is pending. The measure establishes minimum requirements for such protocols and procedures. The measure also (i) provides that a carrier is not required to pay reimbursement at the contracted in-network rate for any covered medical services provided by the new provider applicant if the new provider applicant's credentialing application is not approved or the carrier is otherwise not willing to contract with the new provider applicant; (ii) specifies that if a payment is made by the carrier to a physician or any entity that employs or engages the physician for a covered service, the patient is only responsible for any coinsurance, copayments, or deductibles permitted under the insurance contract with the carrier or participating provider agreement with the physician; and (iii) requires new provider applicants to provide notice to covered persons in advance of treatment. Finally, the measure requires the Virginia Department of Health to revise and reenact the regulations regarding managed care health insurance plans.

*Patron - Head*

**[P]HB234 Health insurance; synchronization of medications.** Requires any health plan providing prescription drug coverage to permit and apply a prorated daily cost-sharing rate to prescriptions that are dispensed by a network pharmacy for a partial supply if the prescribing provider or the pharmacist

determines the fill or refill to be in the best interest of the enrollee and the enrollee requests or agrees to a partial supply for the purpose of synchronizing the enrollee's medications. Such a proration shall not occur more frequently than annually. The measure also prohibits such a health plan from denying coverage for the dispensing of a medication that is dispensed by a network pharmacy on the basis that the dispensing is for a partial supply if the prescribing provider or the pharmacist determines the fill or refill is in the best interest of the enrollee and the enrollee requests or agrees to a partial supply for the purpose of synchronizing his medications. The measure requires health plans to allow a pharmacy to override denial codes indicating that a prescription is being refilled too soon for the purpose of synchronizing the enrollee's medications. The measure prohibits health plans from using payment structures incorporating prorated dispensing fees and requires that dispensing fees for partially filled or refilled prescriptions be paid in full for each prescription dispensed regardless of any prorated copay or fee paid for synchronization services.

*Patron - Hope*

**[P]HB396 State Corporation Commission; assistance with foreign insurance policies.** Authorizes the State Corporation Commission to assist consumers and to examine and investigate complaints and inquiries relating to trade practices and claim settlement practices of insurers involving certain group accident and sickness insurance policies issued outside of the Commonwealth but covering residents of the Commonwealth.

*Patron - Keam*

**[P]HB451 Virginia Life, Accident and Sickness Insurance Guaranty Association; board of directors.** Increases the minimum number of members of the board of directors of the Virginia Life, Accident and Sickness Insurance Guaranty Association from five to nine and the maximum number of such members from nine to 13. This bill is identical to SB 388.

*Patron - Habeb*

**[P]HB1177 Pharmacists and pharmacy practices.** Provides that no provider contract between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision (i) authorizing the carrier or its pharmacy benefits manager to charge, (ii) requiring the pharmacy or pharmacist to collect, or (iii) requiring an enrollee to make, a copayment for a covered prescription drug in an amount that exceeds the least of the applicable copayment for the prescription drug that would be payable in the absence of this section or the cash price the enrollee would pay for the prescription drug if the enrollee purchased the prescription drug without using the enrollee's health plan. The measure requires provider contracts between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent to contain specific provisions that allow a pharmacy to (a) disclose to an enrollee information relating to the provisions of this section and the availability of a more affordable therapeutically equivalent prescription drug; (b) sell a more affordable therapeutically equivalent prescription drug to an enrollee if one is available; and (c) offer and provide direct and limited delivery services to an enrollee as an ancillary service of the pharmacy. The measure applies to provider contracts entered into, amended, extended, or renewed on or after January 1, 2019. This bill is identical to SB 933.

*Patron - Pillion*

**[P]HB1368 Group accident and sickness insurance; eligibility for continuation of coverage.** Disqualifies a discharged employee from continuation of health insurance coverage under his former employer's group policy if the employee was discharged as a result of gross misconduct. The provision does not apply if the employer is required to provide for continuation of coverage under its group health plan pursuant to the federal Consolidated Omnibus Budget Reconciliation Act of 1985.

*Patron - Jones, J.C.*

**HB1486 Virginia Life, Accident and Sickness Insurance Guaranty Association.** Amends the methodology for allocating assessments for long-term care insurance written by an impaired or insolvent insurer. The measure requires that 50 percent of such assessments be allocated to health insurers and 50 percent to life insurers. The measure provides that health maintenance organizations (HMOs) will participate in the Guaranty Association. Provisions that established an alternative method to address insolvencies of HMOs are repealed. The measure also updates terminology and makes conforming amendments based on proposed changes to the National Association of Insurance Commissioners' Life and Health Insurance Guaranty Association model act.

*Patron - Kilgore*

**SB176 Life insurance; claims of creditors.** Repeals a provision that excludes, from the protections from claims of creditors that are afforded life insurance policies and annuities, the cash surrender or loan value of a policy under which the right to change the beneficiary is reserved. In 2016, the General Assembly enacted a provision that exempts protected insurance items from the claims of creditors regardless of whether the right to change a beneficiary is reserved or permitted.

*Patron - Stanley*

**SB246 Insurance agents; licensing requirements.** Removes prospectively the exemption from examination requirements for individuals who have been awarded the Chartered Property and Casualty Underwriter and Chartered Life Underwriter designations. Insurance agent licenses that were granted to individuals who qualified for the designation exemptions will remain valid unless and until their licenses are otherwise terminated. The measure also (i) requires licensed resident public adjuster entities to meet the same bonding requirements as resident public adjusters, nonresident public adjusters, and nonresident public adjuster entities and (ii) adds manager, member, or partner to those individuals or entities that may be considered a designated licensed producer for an agency.

*Patron - Dance*

**SB346 Fire Programs Fund; cancer prevention.** Authorizes moneys in the Fire Programs Fund to be used for the purpose of providing training and education and purchasing products that are designed to reduce the incidence of cancer among firefighters.

*Patron - Peake*

**SB388 Virginia Life, Accident and Sickness Insurance Guaranty Association; board of directors.** Increases the minimum number of members of the board of directors of the Virginia Life, Accident and Sickness Insurance Guaranty Association from five to nine and the maximum number of such members from nine to 13. This bill is identical to HB 451.

*Patron - Chafin*

**SB542 Surplus lines insurance.** Establishes criteria for the licensing by the State Corporation Commission of domestic surplus line insurers. A domestic surplus lines insurer is considered a nonadmitted insurer for the purposes of the federal Nonadmitted and Reinsurance Reform Act of 2010 with respect to risks insured in the Commonwealth. The measure provides that policies issued by a domestic surplus lines insurer are subject to the same taxes and maintenance assessments levied upon surplus lines policies issued by eligible nonadmitted insurers, if the Commonwealth is the home state of the insured. Policies issued by a domestic surplus lines insurer are not subject to protections provided by the Virginia Property and Casualty Insurance Guaranty Association. The measure exempts policies issued by a domestic surplus lines insurer from all statutory requirements relating to insurance rating plans, policy forms, policy cancellation and nonrenewal, and premium charged to the insured in the same manner and to the same extent as a nonadmitted insurer domiciled in another state. The measure provides that a domestic surplus lines insurer is only

authorized to write the types of insurance in the Commonwealth that a surplus lines broker may procure with a nonadmitted insurer approved by the Commission.

*Patron - Obenshain*

**SB672 Health insurance; small employers; self-employed persons.** Revises the definition of "small employer" for purposes of health insurance to provide that it includes a self-employed person. The measure also provides that an individual who is the sole shareholder of a corporation or sole member of a limited liability company, or an immediate family member of such sole shareholder or member, qualifies as an employee of the corporation or limited liability company if he performed any service for remuneration under a contract of hire for the corporation or limited liability company.

*Patron - Deeds*

**SB717 Accident and sickness insurance rate filings; agent commissions.** Requires that premium rate filings for certain health benefit plans include a description of agent commissions and any limitations or exceptions as they relate to the payment of such commissions. The State Corporation Commission is required to review and approve rates for accident and sickness insurance policies offered in certain individual and small group markets.

*Patron - Chase*

**SB755 Pension de-risking; annuities.** Limits the subsequent transfers of group annuity contracts that are purchased to fund retirement benefits pursuant to a pension de-risking transfer. The measure prohibits such transfers without the prior written approval of the State Corporation Commission. Such approval shall not be granted unless it makes certain findings regarding whether the transfer or assignment is made to an insurer that has the financial strength to fulfill its obligations under the annuity contract. The measure also provides that amounts payable to a participant of or beneficiary under such an annuity contract are exempt from the claims of creditors of the participant or beneficiary, subject to certain exceptions and limitations. This bill received Governor's recommendations.

*Patron - Sturtevant*

**SB844 Health insurance; short-term plans.** Authorizes health insurance carriers in the Commonwealth to offer short-term health plans. Short-term health plans are defined as plans with a duration of 364 days or less. Short-term health plans are required to include a specified disclaimer. The bill is contingent on the adoption of federal regulations expanding the availability of short-term health plans. This bill received Governor's recommendations.

*Patron - Dunnivant*

**SB853 Insurance agents; continuing education requirements.** Revises the provisions applicable to the deadlines by which insurance agents are required to comply with continuing education requirements applicable to licensed insurance agents. The measure also revises provisions regarding licensees who are exempt from continuing education requirements. The measure has a delayed effective date of January 1, 2019.

*Patron - Wagner*

**SB933 Pharmacists and pharmacy practices.** Provides that no provider contract between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent shall contain a provision (i) authorizing the carrier or its pharmacy benefits manager to charge, (ii) requiring the pharmacy or pharmacist to collect, or (iii) requiring an enrollee to make, a copayment for a covered prescription drug in an amount that exceeds the least of the applicable copayment for the prescription drug that would be payable in the absence of this section or the cash price the enrollee would pay for the prescription drug if the enrollee purchased the prescription drug without using the enrollee's health plan. The measure requires provider contracts between a health carrier or its pharmacy benefits manager and a pharmacy or its contracting agent to

contain specific provisions that allow a pharmacy to (a) disclose to an enrollee information relating to the provisions of this section and the availability of a more affordable therapeutically equivalent prescription drug; (b) sell a more affordable therapeutically equivalent prescription drug to an enrollee if one is available; and (c) offer and provide direct and limited delivery services to an enrollee as an ancillary service of the pharmacy. The measure applies to provider contracts entered into, amended, extended, or renewed on or after January 1, 2019. This bill is identical to HB 1177.

*Patron - Saslaw*

**SB935 Group health benefit plans; bona fide associations.** Replaces references to "bona fide association," as used in provisions applicable to health care plans in the small employer market, with the term "sponsoring association." The measure defines "sponsoring association" as a nonstock corporation that, among other conditions, has been actively in existence for 10 years, has at least five members, has been formed for purposes other than obtaining or providing health benefits, and operates as a nonprofit entity. This bill received Governor's recommendations.

*Patron - Dunnivant*

**SB964 Health insurance; catastrophic health plans.** Authorizes health carriers to offer catastrophic plans on the individual market and to offer such plans to all individuals. The measure provides that a catastrophic plan is deemed to provide an essential health benefits package and to meet certain requirements of federal law. A catastrophic plan is a high-deductible health care plan that provides essential health benefits and coverage for at least three primary care visits per policy year. Under the federal Affordable Care Act, catastrophic plans satisfy requirements that health benefit plans provide minimum levels of coverage only if they cover individuals who are under 30 years of age or who qualify for a hardship exemption or affordability exemption. The measure requires the Commissioner of Insurance to apply to the federal government for a state innovation waiver allowing the implementation of the provision. The provision will become effective 30 days after the Commissioner notifies certain persons that the request has been approved. This bill received Governor's recommendations.

*Patron - Sturtevant*

## Failed

**HB16 Motor vehicle and fire insurance; use of credit information.** Prohibits insurers from setting rates for motor vehicle insurance or fire insurance policies on the basis of a person's credit history, lack of credit history, or credit score. The bill has a delayed effective date of January 1, 2019.

*Patron - Cole*

**HB21 Reproductive health services.** Requires health benefit plans to cover the costs of specified health care services, drugs, devices, products, and procedures related to reproductive health, including (i) well-woman preventive visits; (ii) counseling for sexually transmitted infections; (iii) screening for certain conditions; (iv) folic acid supplements; (v) breastfeeding support, counseling, and supplies; (vi) breast cancer chemoprevention counseling; (vii) contraceptive drugs, devices, or products; (viii) voluntary sterilization; and (ix) any additional preventive services for women that must be covered without cost sharing under federal law as of January 1, 2017. The mandated coverage does not include abortion services other than when performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when the pregnancy is the result of an alleged act of rape or incest. The measure provides an exemption for plans sold to religious employers. Carriers are prohibited from excluding a covered person from participating in, being denied the benefits of, or otherwise being subjected to discrimination in the coverage of or pay-

ment for reproductive health services, and a violation constitutes an unfair trade practice. The health benefit plan requirements become effective when a plan is delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2019, or at any time thereafter when any term of the health benefit plan is changed or any premium adjustment is made.

*Patron - Kory*

**HB49 Health benefit plans; sale by authorized foreign health insurers.** Establishes a procedure by which the State Corporation Commission may authorize health insurers licensed to sell health benefit plans in any other state to sell health benefit plans in Virginia without obtaining a license to engage in the business of insurance in Virginia or complying with other requirements applicable to Virginia-licensed insurers. A health benefit plan sold by an authorized foreign health insurer is not be required to include state-mandated health benefits. The measure establishes criteria to be used by the Commission in determining whether to authorize a foreign health insurer to sell, offer, or provide a health benefit plan in the Commonwealth. The measure authorizes the Commission to conduct market conduct and financial condition examinations of any foreign health insurer that has applied for, or has received, authorization to sell health benefit plans in Virginia. The measure also specifies disclosures that an authorized foreign health insurer is required to include in applications and policies. The measure has a delayed effective date of January 1, 2019.

*Patron - Webert*

**HB111 Health insurance; coverage of proton radiation therapy; report.** Directs the Bureau of Insurance to conduct an analysis of issues related to health insurers' approvals for cancer treatment involving use of proton radiation therapy. The Bureau shall report its findings to the members of the General Assembly by December 1, 2018.

*Patron - Yancey*

**HB131 Health insurance; coverage for alternative pain management prescription drugs.** Requires health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts, whose policy, contract, or plan includes coverage for prescription drugs, to provide coverage for alternative pain management prescription drugs that are prescribed to a covered individual with an opioid dependence disorder. "Alternative pain management prescription drugs" are defined as either abuse-deterrent opioid analgesic drugs or non-opioid analgesic drugs. Alternative pain management prescription drugs are required to be on a tier that has cost-sharing requirements that do not exceed those of opioid analgesic drugs. The requirement applies to analgesics prescribed in connection with an acute medical condition but not for a chronic medical condition. The measure applies to policies, contracts, and plans delivered, issued for delivery, or renewed on or after January 1, 2019.

*Patron - Bell, John J.*

**HB185 Health insurance; coverage for limited drug refills.** Requires health benefit plans to cover a limited refill for up to a five days' supply of a Schedule VI drug that is dispensed by a pharmacist for a covered person whose dispensed drugs are lost, destroyed, or otherwise rendered unusable as a consequence of a natural or man-made disaster that displaces the person from his residence.

*Patron - Hayes*

**HB328 Expedited external review of adverse coverage determinations; cancer patients.** Provides that a covered person shall not be required to have exhausted his health carrier's internal appeal process before seeking an external review of an adverse determination regarding coverage of treatment if the treatment is to treat his cancer. The measure also provides that a covered person may request an expedited external review

if the adverse determination relates to the treatment of a cancer of the covered person.

*Patron - Yancey*

**HB368 Affordable Care Act; waiver request.** Directs the Commissioner of Insurance to apply to the federal Center for Medicare & Medicaid Services for a waiver of the requirement that individual health benefit plans cover all of the essential health benefits required by § 1302(a) of the Affordable Care Act.

*Patron - Rush*

**HB386 Health insurance; step therapy protocols.** Requires carriers issuing health benefit plans to utilize certain clinical review criteria to establish step therapy protocols. The measure establishes clinical review criteria used to establish such protocols and requires carriers to establish a process by which a patient or provider may seek a step therapy override exception determination. The provisions of the measure shall apply to any health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2019.

*Patron - Davis*

**HB434 Health insurance; coverage for proton therapy.** Requires any health insurer, corporation, or health maintenance organization issuing an insurance policy, subscription contract, or health care plan to provide coverage for physician-prescribed proton therapy for the treatment of breast, prostate cancer, or other indications under a hypofractionated protocol as part of a clinical trial or registry. The measure specifies the number of treatments for breast or prostate cancer under a hypofractionated proton therapy protocol. The measure specifies the amount payable for proton treatment deliveries at fixed percentages of the amount paid under CPT code 77523 as provided in the Commonwealth's Medicaid fee schedule, in order to provide that the cost of treatment under the hypofractionated proton therapy protocol does not exceed the cost of treatment for the corresponding standard intensity modulated radiation therapy (IMRT) protocol for the same indication. The measure provides that (i) if an insurer, corporation, or health maintenance organization is required to pay more for a course of hypofractionated proton therapy than their present, weighted average payment for a course of IMRT treatment, the insurer, corporation, or health maintenance organization is required to pay to the provider the amount of such average payment for the IMRT treatment and (ii) the provider is authorized to bill the patient for the difference.

*Patron - Yancey*

**HB435 Expedited external review of adverse health insurance coverage decisions; cancer treatments.** Provides that if an independent review organization conducting an expedited external review fails to make a decision to uphold or reverse a health insurer's adverse determination or final adverse determination regarding coverage for treatment of cancer of the covered person within 72 hours after receiving an eligible request for an expedited external review, the organization shall be deemed to have reversed the adverse determination or final adverse determination denying coverage for the cancer treatment. The measure also provides that if an independent review organization conducts an external review of an experimental or investigational treatment for the cancer of a covered person and fails to make a decision to uphold or reverse the health insurer's determination within the 20-day period allowed for making a decision after receiving opinions from clinical reviewers, the organization shall be deemed to have reversed the insurer's determination denying coverage for the experimental or investigational cancer treatment.

*Patron - Yancey*

**HB572 Pharmacy contracts; disclosures by pharmacists.** Requires contracts between a carrier and its intermediary regarding the provision of pharmacy services by participating pharmacy providers and any provider contract between a carrier and a participating pharmacy provider or its contracting agent to contain specific provisions that prohibit

the carrier or intermediary from restricting a participating pharmacy provider's disclosure of any relevant information to an individual purchasing a prescribed drug. Information that a pharmacist is allowed to disclose to an individual includes the cost to the provider of the prescribed drug, actual reimbursement to the provider for the prescribed drug, efficacy of the prescribed drug, and the availability of a therapeutically equivalent drug that is less expensive for the patient than the prescribed drug. Such contracts are also required to contain provisions that prohibit the carrier or intermediary from terminating the contractual relationship with a participating pharmacy provider due to the provider's making such a disclosure.

*Patron - Hodges*

**HB573 Health insurance rate reviews; pharmacy benefit price spread.** Requires the State Corporation Commission (Commission) to treat the price spread on any contract between the issuer of a health benefit plan and its pharmacy benefit manager as an administrative cost of the issuer. The issuer's administrative costs are required to be excluded from the amount of benefits provided under a health benefit plan when the Commission determines the health benefit plan's anticipated loss ratio. The measure codifies portions of the Commission's regulations promulgated to implement the requirement that it review and approve the premium rates for health benefit plans, including the requirement that the benefits provided by a health benefit plan are reasonable in relation to the premiums charged.

*Patron - Hodges*

**HB583 Premium Security Plan.** Creates the Premium Security Plan (the Plan), a state-based reinsurance program to stabilize premiums for individual health benefit plans sold on the exchange. The measure provides that moneys provided from general fund appropriations and federal funding provided by a state innovation waiver under § 1332 of the Affordable Care Act would be used to partially reimburse insurers for high-cost claims by initially covering 80 percent of an enrolled individual's annual claims costs between \$50,000 and \$250,000. The Plan will be overseen by the Virginia Health Reinsurance Association, created by this measure. An enactment clause provides that the measure, other than the requirement that the Commissioner of Insurance apply for the state innovation waiver, will become effective 30 days after notice of approval of the waiver request.

*Patron - Bloxom*

**HB1001 Health care shared savings; incentive programs.** Requires health carriers to establish a comparable health care service incentive program under which savings are shared with a covered person who elects to receive a covered health care service from a lower-cost provider. Incentive payments shall be at least 50 percent of the saved cost compared to the average cost. Incentive payments are not required for savings of \$25 or less. Programs are required to be approved by the Commissioner of Insurance. The measure also requires health carriers to make available an interactive mechanism on their website that enables a covered person to compare costs between providers in-network, calculate estimated out-of-pocket costs, and obtain quality data for those providers, to the extent available. The measure authorizes covered persons to obtain health care services from out-of-network providers if their costs are below the average of in-network providers. The measure requires health care facilities and practitioners to provide a covered person an estimate of charges prior to an admission, procedure, or service. All health care providers are required to post in a visible area notification of the patient's ability to obtain information in order to get an estimate of out-of-pocket costs from his health carrier and to compare providers.

*Patron - Byron*

**HB1113 Health insurance; 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 of any age. Currently, such coverage is required to be provided for individuals from age two through age 10. The measure also makes the mandate applicable to policies, contracts, or plans issued in the individual market or small group markets; currently, it applies only to the large group market.

*Patron - Roem*

**HB1190 Medicaid managed care plans; exchange participation.** Conditions a health carrier's eligibility to administer or sponsor any Medicaid managed care plan or to receive payments from the Commonwealth on account thereof on the health carrier's offering health benefit plans on any health benefit exchange operating in the Commonwealth pursuant to the Affordable Care Act. To meet this condition, the health carrier is required to offer plans (i) at all times during 2018 and following years, (ii) in the individual market at the bronze and silver levels and at any other level at the health carrier's discretion, and (iii) in every locality in the Commonwealth in which the health carrier conducts the business of insurance.

*Patron - Toscano*

**HB1201 Health benefit plans offered by foreign health insurers.** Authorizes any foreign health insurer to sell individual or group health benefit plans in the Commonwealth if it is approved to sell such plans in the foreign health insurer's domiciliary state. The measure establishes requirements applicable to such sales, including registration, disclosures, compliance with marketing standards, and financial condition. The measure has a delayed effective date of July 1, 2019.

*Patron - Cline*

**HB1239 Public adjusters; reporting violations; immunity.** Requires any insurer that knows or has reasonable cause to believe that a public adjuster has violated any law pertaining to the licensing of public adjusters or committed embezzlement with respect to any property either belonging to a policyholder or received by the public adjuster on behalf of a policyholder to file with the State Corporation Commission a complete statement of the relevant facts and circumstances. Such statements are declared to be a privileged communication. The measure provides that such statements shall not subject the insurer or its representative making or filing the statement to any liability. The measure also states that civil liability shall not be imposed on, and no cause of action shall arise from, a person furnishing information concerning fraudulent public adjusting acts or fraudulent insurance acts, if the information is provided to or received from the Commission or certain persons.

*Patron - Hugo*

**HB1268 Health benefits; employees of members of an association.** Authorizes an association organized as a non-stock corporation whose members are employers conducting business in the Commonwealth to sponsor a trust that may offer or sell health plans to its members. To be eligible to sponsor a plan, the association is required to have been actively in existence for five years, have at least five members, have been formed for purposes other than obtaining or providing health benefits, and operate as a nonprofit entity. The health plans are to provide health benefits to the employees of members and the sponsoring association and their dependents. The health plan is a self-funded employee welfare benefit plan governed by and subject to the provisions of the federal Employee Retirement Income Security Act of 1974. The measure requires that health plans offered or sold under the program provide coverage for essential health benefits. The measure exempts such trust from state taxation and from insurance regulations.

*Patron - Toscano*

**HB1302 Health insurance; copayments for prescription drugs; disclosures.** Prohibits any contract between a health carrier or its pharmacy benefits manager and a pharmacist or pharmacist from containing a provision that requires an enrollee to make a copayment for a covered prescription

drug in an amount that exceeds the least of (i) the applicable copayment for the prescription drug or (ii) the cash price the enrollee would pay for the prescription drug if the enrollee purchased the prescription drug without using the enrollee's health plan. The measure applies to provider contracts entered into, amended, extended, or renewed on or after January 1, 2019.

*Patron - Byron*

**HB1311 Health insurance; 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 of any age. 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, 2019.

*Patron - Collins*

**HB1369 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 of any age. 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, 2018.

*Patron - Plum*

**HB1386 Pension de-risking; annuities.** Limits the subsequent transfers of group annuity contracts that are purchased to fund retirement benefits pursuant to a pension de-risking transfer. The measure prohibits such transfers without the prior written approval of the State Corporation Commission. Such approval shall not be granted unless it makes certain findings regarding whether the annuity benefits will continue to be protected under ERISA or by the Federal Pension Benefit Guaranty Corporation and whether the transfer or assignment is made to an insurer that has the financial strength to fulfill its obligations under the annuity contract. The measure also provides that amounts payable to a participant of or beneficiary under such an annuity contract are exempt from the claims of creditors of the participant or beneficiary.

*Patron - Adams, D.M.*

**HB1433 Health care provider panels; vertically integrated carriers; public hospitals.** Requires any vertically integrated carrier, which is a health insurer or other carrier that owns an interest in an acute care hospital facility, to offer to every public hospital the ability to participate in the provider panels or networks established for each of the carrier's policies, products, and plans. The measure also requires any contract by which a public hospital participates in a vertically integrated carrier's provider panel or network to obligate the carrier to reimburse the public hospital for a covered health care service at a rate that is not less than the fair and nondiscriminatory rate. The measure establishes the methodology for determining a fair and nondiscriminatory rate, which is based on the same percentage in excess of the Medicare rate that the carrier pays to the acute care hospital facilities in which it owns an interest. The measure provides a procedure by which a public hospital may dispute a vertically integrated carrier's calculation of a fair and nondiscriminatory rate and authorizes a public hospital to bring a civil action against such a carrier to recover any underpayment or for injunctive or declaratory relief.

*Patron - Leftwich*

**HB1445 Health insurance; coverage decisions; medically necessary services.** Prohibits any health carrier from denying services as not medically necessary or requiring prior authorization for services to be considered covered services, using criteria that (i) relate to any financial benefit inuring to the health carrier; (ii) are not related to the

appropriateness of the evaluation or treatment of a disease, condition, illness, or injury, taking into account the applicable standard of care and the medical needs of the insured; or (iii) are based on whether the services are performed in a particular class or type of setting or whether the allowable costs for the services are greater than the allowable costs that would be paid to another provider in a different class or type of setting for the same services. The measure also limits a health carrier's ability to deny emergency medical services as not medically necessary on the basis of a retrospective determination. The measure applies to policies, contracts, and plans delivered, issued for delivery, reissued, or extended on and after January 1, 2019, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

*Patron - Hope*

**HB1466 Health insurance; nondiscrimination; gender identity or transgender status.** Prohibits a health carrier from denying or limiting coverage or imposing additional cost sharing or other limitations or restrictions on coverage under a health benefit plan for health care services that are ordinarily or exclusively available to covered individuals of one sex to a transgender individual based on the fact that the individual's sex assigned at birth, gender identity, or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available. The measure also prohibits a health carrier from (i) subjecting an individual to discrimination under a health benefit plan on the basis of gender identity or being a transgender individual or (ii) requiring that an individual, as a condition of enrollment or continued enrollment under a health benefit plan, pay a premium that is greater than the premium for a similarly situated covered person enrolled in the plan on the basis of the covered person's gender identity or being a transgender individual. The measure requires health carriers to assess medical necessity according to nondiscriminatory criteria that are consistent with current medical standards.

*Patron - Rodman*

**HB1478 Health insurance; coverage for prosthetic devices.** Includes myoelectric, biomechanical, and microprocessor-controlled prosthetic devices within the scope of "medically necessary prosthetic devices." Health insurance policies, contracts, and plans are required to offer and make available coverage for medically necessary prosthetic devices. The inclusion of these types of prosthetic devices applies to policies, contracts, and plans issued on and after January 1, 2019.

*Patron - Roem*

**HB1481 Health insurance; coverage for contraceptives.** Requires health carriers to provide coverage, under any health insurance policy, contract, or plan that includes coverage for prescription drugs on an outpatient basis, for any prescribed contraceptive drug, contraceptive device, or contraceptive procedure. Currently, health carriers are required to offer and make available such coverage. The measure prohibits a health carrier from imposing any copayment, coinsurance payment, or fee upon any person receiving contraceptive benefits pursuant to the provisions of the measure. The measure applies to health insurance contracts, policies, or plans delivered, issued for delivery, or renewed on and after January 1, 2019.

*Patron - Filler-Corn*

**SB23 Health insurance; coverage for limited drug refills.** Requires health benefit plans to cover a limited refill for up to a five days' supply of a Schedule VI drug that is dispensed by a pharmacist for a covered person whose dispensed drugs are lost, destroyed, or otherwise rendered unusable as a consequence of a natural or man-made disaster that displaces the person from his residence.

*Patron - Spruill*

**SB161 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 under age 65 who resides in the Commonwealth, is enrolled in Medicare Part B, and is eligible for Medicare by reason of disability, not to include individuals with end-stage renal disease. The provisions of the measure are applicable to health plans and health maintenance organizations.

*Patron - Edwards*

**SB162 Marketplace Virginia; health plans.** Creates Marketplace Virginia, which will be established and operated by a new division within the State Corporation Commission (SCC). Marketplace Virginia shall facilitate the purchase and sale of qualified health plans and qualified dental plans to qualified individuals and qualified employers, making qualified plans available to qualified individuals and qualified employers. The bill authorizes the SCC to review and approve accident and sickness insurance premium rates applicable to health benefit plans in the individual and small group markets and health benefit plans providing health insurance coverage in the individual market through certain nonemployer group plans. Marketplace Virginia will be funded by assessments on health insurers offering plans in the Marketplace. A health plan will not be required to cover any state-mandated health benefit if federal law does not require it to be covered as part of the essential benefits package. The SCC may contract with other eligible entities and enter into memoranda of understanding with other agencies of the Commonwealth to carry out any of the functions of Marketplace Virginia, including agreements with other states or federal agencies to perform joint administrative functions. Such contracts are not subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

*Patron - Edwards*

**SB395 Virginia Birth-Related Neurological Injury Compensation Program; awards.** Establishes criteria for and limits on reimbursements provided for nursing or attendant care provided by an adult relative or legal guardian of an admitted claimant under the Virginia Birth-Related Neurological Injury Compensation Program (Program). The measure also (i) requires an admitted claimant's parent or legal guardian to purchase a private health insurance policy covering the claimant; (ii) provides for reimbursement of all or part of the insurance premium; (iii) requires the parent or legal guardian of an admitted claimant to place loss-of-earnings benefits into a trust for the benefit of the claimant; (iv) makes such loss-of-earnings benefits subject to repayment that is triggered by receipt of Medicaid payments; and (v) repeals a provision regarding retroactive application of amendments to the Program enacted in 1990.

*Patron - Barker*

**SB517 False and fraudulent insurance claims; civil penalties and damages.** Establishes a cause of action for knowingly obtaining, attempting to obtain, or causing to be obtained, by deception, control over the property of any insurer by making a false or fraudulent insurance claim. A person who commits such an act is liable to the Commonwealth for (i) remedial damages equal to three times the amount of the property wrongfully obtained or, if no property was wrongfully obtained, twice the value of the property attempted to be obtained, whichever amount is greater; and (ii) a civil penalty of not less than \$5,500 and not more than \$11,000. Actions may be brought by the Superintendent of State Police or the Attorney General. Alternatively, qui tam actions may be brought by a private person in the name of the Commonwealth, in which event the Commonwealth has the right to intervene and proceed with the action. The measure provides for the allocation of proceeds of such actions among the Commonwealth and a private person who initiates such an action, with the portion allocated to the Commonwealth being directed to the Department of State Police's special fund for insurance fraud.

*Patron - Mason*

**SB581 Health insurance plans; preauthorization for drug benefits.** Requires contracts between an insurance carrier and a participating health care provider that require the carrier's prior authorization of a drug benefit to include a provi-

sion that if a prior authorization request is denied, the provider has the right to a peer-to-peer review with a physician advisor or peer of the treating health care provider who represents the carrier. This provision applies to provider contracts entered into, amended, extended, or renewed on or after January 1, 2019.

*Patron - DeSteph*

**[F]SB593 Health insurance; 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 18. 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, 2019. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Vogel*

**[F]SB626 Life insurance on minors; consent of parents.** Prohibits an insurer from issuing in Virginia a life insurance policy on a minor without the written consent of the minor's parents.

*Patron - Surovell*

**[F]SB671 Health carriers; participation in health benefit exchange; requirement for conducting insurance activities.** Prohibits a health carrier from engaging in the business of insurance in the Commonwealth or administering, sponsoring, selling, or providing a policy, coverage or services under a health plan or program for state or local employees or a Medicaid managed care program unless the health carrier is actively participating in any health benefit exchange established or operated in the Commonwealth. The measure defines "actively participating in the exchange" as offering health benefits plans on an exchange (i) in the individual market; (ii) at the bronze and silver levels, and at any other level at the health carrier's discretion; and (iii) in every locality in the Commonwealth in which the health carrier conducts any of the foregoing activities.

*Patron - Deeds*

**[F]SB817 Life insurance on minors; limits.** Prohibits an insurer from issuing in Virginia a policy of life insurance upon the life of an individual under the age of five years. The bill also caps the amount of life insurance that may be issued on the life of a minor who is at least five years of age but under the age of 15 years at \$50,000. The measure does not prohibit a domestic insurer from issuing for delivery, in another state or foreign country, a life insurance policy that is governed by the laws of such state or country for any amount not prohibited by the laws of the other state or country.

*Patron - Saslaw*

**[F]SB860 Health care provider panels; vertically integrated carriers; public hospitals.** Requires any vertically integrated carrier, which is a health insurer or other carrier that owns an interest in an acute care hospital facility, to offer to every public hospital the ability to participate in the provider panels or networks established for each of the carrier's policies, products, and plans.

*Patron - Lucas*

## Carried Over

**[C]HB1584 Health insurance; balance billing for ancillary services.** Prohibits an out-of-network health care provider from charging a covered person who is insured through a health benefit plan an amount for ancillary services that is greater than the allowed amount the carrier is obligated to pay to the covered person. The measure defines "ancillary services" as screening, diagnostic, or laboratory services pro-

vided in connection with or arising out of other health care services that the covered person receives from or at an in-network provider. The measure requires an in-network provider to provide certain notices regarding the provision of ancillary services by an out-of-network provider. The measure has a delayed effective date of January 1, 2019.

*Patron - Byron*

**[C]SB574 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 (i) establishes the specific sequence in which prescription drugs for a specified medical condition are medically appropriate for a particular covered person and are covered by a health benefit plan or that (ii) conditions coverage of a prescription medication on a patient's first trying an alternative medication without success. The measure requires the granting of a step therapy protocol override if any of certain conditions are satisfied.

*Patron - DeSteph*

**[C]SB639 Health care shared savings; incentive programs.** Requires health carriers to establish a comparable health care service incentive program under which savings are shared with a covered person who elects to receive a covered health care service from a lower-cost provider. Incentive payments shall be at least 50 percent of the saved cost compared to the average cost. Incentive payments are not required for savings of \$25 or less. Programs are required to be approved by the Commissioner of Insurance. The measure also requires health carriers to make available an interactive mechanism on their website that enables a covered person to compare costs between providers in-network, calculate estimated out-of-pocket costs, and obtain quality data for those providers, to the extent available. The measure authorizes covered persons to obtain health care services from out-of-network providers if their costs are below the average of in-network providers. The measure requires health care facilities and practitioners to provide a covered person an estimate of charges prior to an admission, procedure, or service. All health care providers are required to post in a visible area notification of the patient's ability to obtain information in order to get an estimate of out-of-pocket costs from his health carrier and to compare providers.

*Patron - Dunnivant*

**[C]SB731 Health insurance plans; prior authorization for drug benefits or surgical procedures.** Provides that prior authorization requirements currently applicable to drug benefits are applicable to the process for a carrier's approval of surgical procedures. The measure requires contracts between an insurance carrier and a participating health care provider that require the carrier's prior authorization to include provisions that prohibit the carrier, after it has approved a prior authorization request submitted by a participating health care provider, from (i) withdrawing or retracting its approval of the request or (ii) declining or refusing to pay a claim submitted for the drug benefit or surgical procedure. The measure provides that if a health plan or provider contract states that prior authorization is not required for a specific drug benefit or surgical procedure, the carrier shall not refuse to pay a claim submitted for the drug benefit or surgical procedure. The measure addresses the standards applicable to electronic submissions of requests for prior authorization and specifies that requests may be submitted in paper if the provider meets certain criteria. Finally, the measure exempts a drug benefit from prior authorization requirements if prior authorization has been approved for the drug benefit in 90 percent or more of the requests for prior authorization submitted by the provider in the preceding 12 months or if the drug is a generic medication. These provisions apply to provider contracts entered into, amended, extended, or renewed on or after January 1, 2019.

*Patron - Dunnivant*



**SB845 Premium Security Plan.** Creates the Premium Security Plan (the Plan), a state-based reinsurance program to stabilize premiums for individual health benefit plans sold on the exchange. The measure provides that moneys provided from general fund appropriations and federal funding provided by a state innovation waiver under § 1332 of the Affordable Care Act would be used to partially reimburse insurers for high-cost claims by initially covering 80 percent of an enrolled individual's annual claims costs between \$50,000 and \$250,000. The Plan will be overseen by the Virginia Health Reinsurance Association, created by this measure. An enactment clause provides that the measure, other than the requirement that the Commissioner of Insurance apply for the state innovation waiver, will become effective 30 days after notice of approval of the waiver request.

*Patron - Dunnivant*

**SB907 Health insurance; coverage for contraceptives.** Requires health carriers to provide coverage, under any health insurance policy, contract, or plan that includes coverage for prescription drugs on an outpatient basis, for any prescribed contraceptive drug or contraceptive device. Currently health carriers are required to offer and make available such coverage. The measure prohibits a health carrier from imposing upon any person receiving contraceptive benefits pursuant to the provisions of the measure any copayment, coinsurance payment, or fee. The measure applies to health insurance contracts, policies, or plans delivered, issued for delivery, or renewed on and after January 1, 2019.

*Patron - McClellan*

**SB916 Health benefit plans; sale by authorized foreign health insurers.** Establishes a procedure by which the State Corporation Commission may authorize health insurers licensed to sell health benefit plans in any other state to sell health benefit plans in Virginia without obtaining a license to engage in the business of insurance in Virginia or complying with other requirements applicable to Virginia-licensed insurers. A health benefit plan sold by an authorized foreign health insurer is not required to include state-mandated health benefits. The measure establishes criteria to be used by the Commission in determining whether to authorize a foreign health insurer to sell, offer, or provide a health benefit plan in the Commonwealth. The measure authorizes the Commission to conduct market conduct and financial condition examinations of any foreign health insurer that has applied for, or has received, authorization to sell health benefit plans in Virginia. The measure also specifies disclosures that an authorized foreign health insurer is required to include in applications and policies. The measure has a delayed effective date of January 1, 2019.

*Patron - Chase*

## Juvenile Justice

### Failed

**HB1230 State Board of Juvenile Justice; minimum standards and policies; suicide watch.** Directs the State Board of Juvenile Justice to promulgate regulations, specifically including standards for a suicide watch instrument, regarding the transportation of juvenile offenders to and from state correctional facilities, Department of Juvenile Justice facilities, local and regional jails, state and local pretrial and community-based probation service agencies, privately managed and operated local or regional detention homes or other secure facilities, and other juvenile detention facilities.

*Patron - Hayes*

## Labor and Employment

### Passed

**HB110 Employees; franchisees excluded.** Provides that, notwithstanding any voluntary agreement between the U.S. Department of Labor and the franchisee or franchisor, neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisee's franchisor. The measure also provides that this exclusion does not apply with respect to a specific claim for relief made by a franchisee or a franchisee's employee if the franchisor has been found by a court of competent jurisdiction to have exercised a type or degree of control over the franchisee or the franchisee's employees not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademarks and brand. This bill was vetoed by the Governor.

*Patron - Head*

**SB887 Child labor; volunteer fire companies.** Removes the requirement that local governments authorize the participation of certain minors in certain fire company activities. The measure also provides that participation by such minors in nonhazardous activities of a volunteer fire company, including fire prevention efforts and training courses, is not prohibited. The measure directs the Virginia Fire Services Board to adopt a junior member policy that provides guidance to fire and rescue departments in developing and administering nonhazardous training courses and programs.

*Patron - Deeds*

### Failed

**HB37 Nonpayment of wages; private action.** Affirms that an employee has cause of action against an employer who fails to pay wages to recover the wages and prejudgment interest at eight percent annually from the date the wages were due. The measure provides that if the court finds that the employer knowingly failed to pay the wages, it shall also award the employee reasonable attorney fees and court costs. If the court finds that the employer's failure to pay wages was willful and with intent to defraud the employee, the court shall also award the employee reasonable attorney fees and court costs plus an additional sum equal to the amount of wages due.

*Patron - Kory*

**HB39 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 beginning July 1, 2019. In subsequent fiscal years, the maximum local alternative minimum wage shall be adjusted based on changes in the consumer price index. If the federal minimum wage exceeds the levels specified in an alternative local minimum wage requirement, the federal minimum wage will prevail.

*Patron - Levine*

**HB40 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 has a delayed effective date of January 1, 2019.

*Patron - Levine*

**[FHB133 Employees; exclusions for home healthcare workers and home adult day care service providers.]** Provides that home healthcare workers and home adult day care service providers are not employees for purposes of labor and employment laws, unemployment compensation, workers' compensation, and state income tax withholding.

*Patron - Cole*

**[FHB240 Wage or salary history inquiries prohibited; civil penalty.]** Prohibits a prospective employer from (i) requiring as a condition of employment that a prospective employee provide or disclose the prospective employee's wage or salary history or (ii) attempting to obtain the wage or salary history of a prospective employee from the prospective employee's current or former employers. Violations are subject to a civil penalty not to exceed \$100 per violation.

*Patron - Rasoul*

**[FHB243 Employees; jury duty.]** Requires employers, including the Commonwealth and localities, to provide to employees summoned to serve on jury duty the protections set forth in Title 18.2, Crimes and Offenses Generally. With certain exceptions, the employee is entitled to his usual compensation for periods he is excused, though the employer may deduct from such compensation any payments the employee receives for the jury service. The measure creates a private cause of action for an employee who is discharged, demoted, or suspended in violation of these provisions.

*Patron - Jones, J.C.*

**[FHB259 Payment of wages; remedies; penalties.]** Expands the information an employer is required to provide to its employees when wages are paid to include the name and address of the employer, the number of hours worked during the pay period, and the rate of pay. The measure prohibits an employer from taking retaliatory action against an employee, and an employee who has been discharged or discriminated against may file a complaint with the Department of Labor and Industry and seek appropriate remedies. The measure authorizes the Commissioner of Labor and Industry to institute proceedings on behalf of an employee to enforce compliance with the prohibition on retaliatory actions and collect on behalf of the employee three times the amount of unpaid wages and three times the amount of wages the employee would have earned absent the prohibited discrimination. The Commission is further authorized to assess and collect a civil penalty of no less than \$2,500 and no more than \$10,000 per employee subject to the prohibited discrimination. Finally, the measure authorizes the Department to conduct investigations on behalf of other employees if it learns that other employees of the same employer are not being paid wages.

*Patron - Habeeb*

**[FHB463 Meal breaks for employees; civil penalty.]** Requires employers to provide employees with unpaid break times for meals. Employers that violate this measure are subject to a civil penalty.

*Patron - Carter*

**[FHB518 Minimum wage.]** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$9 per hour effective July 1, 2018, to \$10 per hour effective January 1, 2019, to \$11 per hour effective January 1, 2020, to \$13 per hour effective January 1, 2021, and to \$15 per hour effective January 1, 2022, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). For 2023 and thereafter, the annual minimum wage shall be adjusted to reflect 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 - Simon*

**[FHB551 Nonpayment of wages; private action.]** Provides that an employee has a private cause of action against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due. If the court finds that the employer knowingly failed to pay wages, the court shall award the employee reasonable attorney fees and other costs. If the court finds that the employer's failure to pay wages was willful and with intent to defraud the employee, the court shall also award the employee three times the amount of wages due.

*Patron - Krizek*

**[FHB626 Limiting employees' sharing of wage information prohibited; civil penalty.]** Prohibits an employer from requiring, as a condition of employment, that an employee refrain from inquiring about, discussing, or disclosing information about the employee's own wages or about any other employee's wages. The measure also prohibits an employer from taking retaliatory action against an employee for sharing such information. Violations are subject to a civil penalty of \$100.

*Patron - Ayala*

**[FHB631 Employers; decisions to opt out of providing contraceptive coverage; notices; civil penalty.]** Requires any employer that has decided it will not provide contraceptive coverage to its employees pursuant to the employer's lawful exercise of a right not to provide such coverage on grounds that doing so is contrary to the employer's religious beliefs or moral convictions to provide employees and prospective employees with notice of such decision. An employer that has made such a decision is also required to notify the Bureau of Insurance, which is required to make information regarding these employers available to the public through its website. Employers that violate these requirements are subject to a civil penalty.

*Patron - Kory*

**[FHB653 Employers; sexual harassment training; penalty.]** Requires every employer with 15 or more employees who are located at a workplace within the Commonwealth to conduct a sexual harassment education and training program for all new employees within one year of commencement of employment. The training shall encompass the illegality of sexual harassment; the definition of sexual harassment under state and federal laws and federal regulations; a description of sexual harassment, utilizing examples; the employer's sexual harassment complaint process available to the employee; legal recourse and complaint processes; and protections against retaliation. Such employers are also required to conduct additional training for all supervisors and managers within one year of assuming their supervisory or managerial positions. The Department of Labor and Industry is required to develop a compliance checklist for employers to use to develop a sexual harassment training program; employers shall keep a record of the training. Any employer who violates these requirements is subject to a civil penalty not to exceed \$100 for each violation.

*Patron - Murphy*

**HB715 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to \$10.10 per hour effective January 1, 2019, unless a higher minimum wage is required by the federal Fair Labor Standards Act (FLSA). Effective January 1, 2021, the minimum wage shall be adjusted biennially to reflect annual increases in the consumer price index over the two most recent calendar years. The measure also provides that the Virginia minimum wage applies to persons whose employment is covered by the FLSA and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body.

*Patron - Plum*

**HB912 Payment of wages and salaries; prepaid cards.** Eliminates the ability of an employer to pay wages and salaries to an employee by credit to a prepaid debit card or card account without the employee's consent. Under current law, an employer may pay wages and salaries to an employee by credit to a prepaid debit card or card account without the employee's consent if the employee does not designate an account at a financial institution to which payment may be sent by automated fund transfer. This measure allows payment of wages to be made by credit to a prepaid debit card or card account if the employee affirmatively consents and the employer discloses any applicable fees. The measure applies to individuals newly hired on or after July 1, 2018.

*Patron - Simon*

**HB926 Posting human trafficking hotline information; basic health care services facilities; civil penalty.** Provides that any employer who operates a facility in which basic health care services are provided and fails to post notice of the existence of a human trafficking hotline to alert possible witnesses or victims of human trafficking to the availability of a means to report crimes or gain assistance is subject to a civil penalty of \$100 per facility in which the notice is not posted.

*Patron - Bulova*

**HB947 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*

**HB973 Paid medical and family leave for employees; civil penalties.** Requires employers with 15 or more full-time employees to give to each such employee 40 hours of paid medical and family leave per year. The bill would require an employer to pay the employee for leave taken, up to the balance of the employee's paid leave balance, for a purpose for which the employee would be entitled to unpaid leave under the federal Family and Medical Leave Act. The measure does not require employers to compensate employees for unused medical and family leave upon termination of employment. The measure requires the Commissioner of Labor and Industry to administer and enforce these requirements and to investigate alleged violations of these requirements. The measure authorizes the Commissioner to impose a civil penalty of not more than \$1,000 for a violation.

*Patron - Guzman*

**HB1080 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 nursing child for one year after the child's birth. 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. An employer shall not be held to have violated these requirements if it has made reasonable efforts to comply with them. The measure applies to employees who are exempt under § 7 of the federal Fair Labor Standards

Act (FLSA). The FLSA requires employers to provide such benefits for non-exempt employees.

*Patron - Yancey*

**HB1089 Virginia Equal Pay Act.** Creates the Virginia Equal Pay Act (the Act), which prohibits private employers from discriminating between employees on the basis of membership in a "protected class," defined in the bill as a group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability, or age, in the payment of wages or other compensation for substantially similar work. The bill also prohibits (i) discrimination between employees by providing less favorable employment opportunities; (ii) limitation of an employee's right to discuss wages; (iii) infringement on an employee's right to not disclose wage or salary history; and (iv) retaliation against an employee who opposes an act or practice made unlawful by the Act, makes or intends to file a complaint under the Act, or assists in an investigation or proceeding under the Act. The bill also establishes (a) criteria for when wage differentials between employees can occur, (b) remedies for individuals aggrieved by a violation of the Act, and (c) provisions for enforcement of the Act. The bill contains a technical amendment.

*Patron - Boysko*

**HB1109 Overtime compensation; penalties.** Requires an employer to compensate its employees who are entitled to overtime compensation under the federal Fair Labor Standards Act at a rate (i) not less than one and one-half times the employee's regular rate of pay for any hours worked in excess of 40 hours in any one workweek and (ii) not less than twice the employee's regular rate of pay for (a) any hours worked in excess of 12 hours in one workday and (b) any hours worked on the seventh day of work in any workweek to the extent that the hours worked on such day exceed 40 hours worked in such week. The sanctions for an employer's failure to pay such overtime wages, including civil and criminal penalties, are the same as currently provided for failing to pay wages generally.

*Patron - Tran*

**HB1209 Relocation of call centers to a foreign country; notification requirements.** Requires certain call centers that intend to relocate operations from the Commonwealth to a foreign country to give the Commissioner of Labor and Industry at least 120 days' prior notice. The measure requires the Commissioner to compile a semiannual list of all employers that relocate a call center from the Commonwealth to a foreign country and to distribute the list to state agencies. Subject to exceptions, an employer that appears on the list is (i) ineligible for five years for any direct or indirect grants of state funds, any loans from or guaranteed by the state, or any tax credit or reduction in tax liability and (ii) required to repay any financial incentives the employer has previously received. The measure requires new state agency contracts for the performance of state business-related call center and customer service work to provide that such work shall be performed entirely within the Commonwealth.

*Patron - Heretick*

**HB1233 Apprentice agreements; ratio of apprentices to journeymen.** Prohibits the Apprenticeship Council from adopting standards for apprenticeship agreements governing the numeric ratio of journeymen to apprentices that require more than one journeyman for two apprentices. This limit on the ratio of journeymen to registered apprentices does not apply to work performed under the federal Davis-Bacon Act.

*Patron - Hugo*

**HB1259 Minimum wage; exclusions; tips.** Excludes any tips received by an employee when determining the amount of wages paid by an employer to its employee under the Virginia Minimum Wage Act (the Act). The measure provides that the Act applies to the following employees who are

currently excluded: (i) any person employed as a farm laborer or farm employee; (ii) newsboys, shoe-shine boys, caddies on golf courses, ushers, doormen, concession attendants, and cashiers in theaters; (iii) taxicab drivers and operators; (iv) any person whose employment is covered by the federal Fair Labor Standards Act; and (v) employees of state agencies and local governments. The measure also provides that the Act applies to a person whose earning capacity is impaired by physical deficiency, mental illness, or intellectual disability with respect to services provided on and after July 1, 2020.

*Patron - Krizek*

**HB1376 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 her nursing child for one year after the child's birth. The bill requires an employer to make reasonable efforts to provide a room or other location in close proximity to the work area, other than a bathroom, where the employee can express breast milk in privacy. An employer shall not be held to have violated these requirements if it has made reasonable efforts to comply with them. The measure applies to employees who are exempt under § 7 of the federal Fair Labor Standards Act (FLSA). The FLSA requires employers to provide such benefits for nonexempt employees.

*Patron - McQuinn*

**HB1569 Employers; notice of work schedules; civil penalty.** Requires employers to give certain employees, prior to the first day of work, a good faith estimate of the employee's expected minimum shifts per month and the days and hours of those shifts. The measure also requires employers to provide each employee on a biweekly basis with at least two weeks' prior notice of the employee's expected work schedule over the ensuing two-week period. Violations are subject to civil penalties.

*Patron - Carroll Foy*

**SB41 Use sick leave for the care of immediate family members.** Requires employers with a sick leave program to allow an employee to use his sick leave for the care of an immediate family member. The measure applies only to employers that have 25 or more employees and that provide paid sick leave that allows an employee to be absent from work in the event of the employee's own incapacity, illness, or injury. The measure applies only to employees who work for at least 30 hours per week, and it caps the amount of sick leave that may be used for the care of immediate family members at five days per calendar year.

*Patron - Favola*

**SB58 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, 2018, to \$9.00 per hour effective July 1, 2019, and to \$10.10 per hour effective July 1, 2020, 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 and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body.

*Patron - Edwards*

**SB240 Minimum wage.** Increases the minimum wage from its current federally mandated level of \$7.25 per hour to (i) \$8.00 per hour effective July 1, 2018; (ii) \$9.00 per hour effective July 1, 2019; (iii) \$10.10 per hour effective July 1, 2020; and (iv) \$11.25 per hour effective July 1, 2021, 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*

**SB251 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, 2018, to \$13 per hour effective July 1, 2019, and to \$15 per hour effective July 1, 2020, 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 and to persons employed by the Commonwealth, its agencies or political subdivisions, or a public body.

*Patron - Dance*

**SB421 Paid medical leave; civil penalties.** Requires private employers with 50 or more employees to give to each full-time employee paid medical leave. Paid medical leave would accrue at a rate of no less than one hour for every 50 hours worked in 2019. In 2020 and subsequent years, paid medical leave would accrue at a rate of no less than one hour for every 30 hours worked. Paid medical leave accrues at different rates for an employer that commences its business operations after January 1, 2019. An employee would be entitled to use accrued medical leave beginning on the ninetieth calendar day of employment. The bill would require an employer to provide paid medical leave, 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 medical leave. 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 would be authorized to bring an action to recover specified civil penalties against an offender. The Commissioner would also be able to recover attorney fees of one-third of the amount set forth in the final order or judgment. The measure would not apply to employees covered by a collective bargaining agreement that provides for paid medical leave, nor would it lessen any other obligations of the employer to employees.

*Patron - Wexton*

**SB660 Youth Employment Solutions apprenticeship program.** Directs the Department of Labor and Industry and the Department of Education to determine the feasibility of implementing a Youth Employment Solutions (YES) apprenticeship program. A YES apprenticeship program, is a program under which the appropriate agencies of the Commonwealth enter into an agreement with a private staffing firm under which the firm provides services to an employer that result in the assumption by the private staffing firm of duties and responsibilities, with regard to apprentices, including duties and responsibilities arising with respect to the Virginia Workers' Compensation Act and insurance liability, that would otherwise apply to the employer. The measure directs the Departments to (i) identify potential benefits and problems of implementing a YES apprenticeship program, (ii) determine whether one or more private staffing firms are willing to participate, and (iii) ascertain whether existing law prevents implementation of a YES apprenticeship program and, if so, identify such law in a report.

*Patron - Wagner*

**SB661 Payment of wages.** Removes the exemptions that exclude newsboys, shoe shine boys, ushers, doormen, concession attendants, and theater cashiers from the Virginia Minimum Wage Act (Act). The Act's exclusion for babysitters is limited to those not employed more than 10 hours per week. The spouse, children, and parents of an individual employer are excluded from the definition of "employee" under the Act. The measure eliminates the Act's exclusion for persons employed by an employer that does not have four or more employees. The measure requires a court to award attorney fees incurred by an employee who is awarded judgment in an action for a violation of the Act; currently, awarding such fees

is permitted but not required. The measure expands the information an employer is required to provide to its employees when wages are paid. Finally, the bill authorizes the Commissioner of Labor and Industry to institute proceedings and take enforcement action against an employer if he has reason to believe that the employer has engaged in a pattern or practice of violations.

*Patron - Wagner*

**[F]SB736 Paid family leave program.** Establishes a program under which certain employees of employers with 50 or more employees will be eligible for paid family leave for days they take leave from work to provide qualified caregiving, which is defined in the bill as an activity for a reason for which an employee would be entitled to leave under the federal Family and Medical Leave Act. The amount of qualified caregiving days for which an eligible employee may receive paid family leave benefits is capped at 30 days in any year. Applications for benefits will be administered by the Virginia Employment Commission (VEC). The VEC is directed to adopt regulations within 280 days to establish (i) rates of payroll taxes to be paid by employers and employees to fund the program and (ii) the wage replacement payments under the paid family leave program, which are directed to be comparable to basic wage replacement benefits under the unemployment compensation program.

*Patron - Favola*

**[F]SB779 Covenants not to compete; physicians.** Declares that any covenant not to compete that restricts the right of a physician to practice medicine upon the termination of an employment contract is void. A similar prohibition applies to noncompetition provisions triggered by a physician's dissociation from, or the termination or dissolution of, a business entity. The measure provides that all other provisions of the employment contract or other agreement are enforceable, including provisions that require the payment of damages in an amount that is reasonably related to the injury suffered by reason of termination of the employment contract or the dissociation from or the termination or dissolution of a business entity.

*Patron - Stanley*

## Carried Over

**[C]SB419 Equal pay irrespective of sex.** Amends the existing law requiring equal pay for equal work irrespective of sex to (i) prohibit unequal provision of benefits and privileges on the basis of sex; (ii) prohibit employers from punishing employees for sharing salary information with their coworkers; and (iii) authorize a court to award reasonable attorney fees and costs to an employee who substantially prevails on the merits in an action for wrongful withholding of wages or 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 - Wexton*

## Libraries

### Passed

**[P]HB62 Local and regional libraries; boards not mandatory; Caroline County.** Adds Caroline County to the list of localities that are not required to establish a library board. This bill is identical to SB 396.

*Patron - Fowler*

**[P]HB228 Virginia Public Records Act; records retained in electronic medium.** Provides that notwithstanding

any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill provides that this provision shall not be deemed to affect any law governing the retention of exhibits received into evidence in a criminal case in any court.

*Patron - Cole*

**[P]SB396 Local and regional libraries; boards not mandatory; Caroline County.** Adds Caroline County to the list of localities that are not required to establish a library board. This bill is identical to HB 62.

*Patron - McDougale*

### Failed

**[F]HB702 Libraries; assessment for costs in civil actions; disbursement for law libraries.** Increases from \$4 to \$7 the assessment a county, city, or town may make as part of the costs incident to each civil action filed in the courts located within its boundaries.

*Patron - Levine*

## Mechanics' and Certain Other Liens

### Passed

**[P]HB823 General contractors; waiver or diminishment of lien rights; subordination of lien rights.** Provides that a general contractor may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. The bill further provides that, notwithstanding the prohibition against waiving or diminishing such a lien right, a general contractor may, prior to or after providing any labor, services, or materials, contract to subordinate his lien rights to prior and later recorded deeds of trust, provided that such contract is (i) in writing and (ii) signed by any general contractor whose lien rights are being subordinated pursuant to such contract. This bill is identical to SB 319.

*Patron - Knight*

**[P]SB319 General contractors; waiver or diminishment of lien rights; subordination of lien rights.** Provides that a general contractor may not waive or diminish his lien rights in a contract in advance of furnishing any labor, services, or materials. The bill further provides that, notwithstanding the prohibition against waiving or diminishing such a lien right, a general contractor may, prior to or after providing any labor, services, or materials, contract to subordinate his lien rights to prior and later recorded deeds of trust, provided that such contract is (i) in writing and (ii) signed by any general contractor whose lien rights are being subordinated pursuant to such contract. This bill is identical to HB 823.

*Patron - Ruff*

## Military and Emergency Laws

### Passed

**[P]HB146 National Guard; employment protections.** 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 and residents of Virginia who are members of the National Guard of another state to any person who is a member of the National Guard of another state who is employed or seeking employment in Virginia.

*Patron - Cole*

**[P]HB1367 Virginia Department of Emergency Management; local sheltering data.** Requires localities to provide the State Coordinator of Emergency Management with certain data related to emergency sheltering capabilities on or before May 1 of each year.

*Patron - Jones, J.C.*

**[P]SB320 Reversion of property donated to the Virginia National Guard.** Provides that property that is donated or otherwise conveyed to the Commonwealth, Department of Military Affairs, Virginia National Guard, Virginia Army or Air National Guard, or Virginia Defense Force for the purpose of supporting Virginia National Guard or Virginia Defense Force operations may revert back to the donor if the Adjutant General makes a determination that such property is no longer needed to support the organization's mission. The bill further provides that if the Adjutant General chooses not to allow the reversion or if the donor of the property declines to reacquire it, such property shall be declared excess.

*Patron - Ruff*

---

## Failed

---

**[F]HB269 Virginia National Guard; state active duty pay.** Provides that all members of the Virginia National Guard who are called into state active duty be paid an amount not less than that prescribed for a member with the rank of E-6 who has over 18 years of service.

*Patron - Bell, John J.*

**[F]HB1103 Department of Emergency Management; waiver of permit fees for small businesses affected by an emergency or disaster.** Provides for the waiver of permit fees charged by state agencies and associated with the reopening or restoration of small businesses that have been significantly affected by a disaster, emergency, local emergency, or a major disaster declared by the Governor or a local governing body. The bill directs the Department of Emergency Management to develop a program for certifying such small businesses, and small businesses obtaining the certification from the Department are entitled to the waiver of certain fees associated with reopening or restoring the operation of the business. The bill provides an option for localities to opt into the waiver of local permit fees for certified small businesses by ordinance.

*Patron - Stolle*

**[F]HB1340 Emergency services and disaster law; expedited inspections required for small businesses.** Provides that in the event that a small business has been impacted by a disaster for which the Governor has declared a state of emergency, any agency of state or local government responsible for conducting inspections for compliance with minimum established standards for health and safety shall conduct any such inspections as are required for the small business to resume normal business operations within 15 days of receipt of a request for an inspection made by such small business. The bill defines "small business" as an independently owned and operated business that, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years.

*Patron - Bloxom*

---

## Mines and Mining

---

---

### Passed

---

**[P]HB812 The Coal Surface Mining Reclamation Fund Advisory Board; membership; duties.** Increases from five to seven the number of members on the Coal Surface Mining Reclamation Fund Advisory Board (the Board). The bill increases from three to four the number of representatives of the coal industry, removes the current member of the public without any coal industry interests, and adds two representatives of conservation interests. The bill also authorizes the Board to serve as the advisory body required by the Interstate Mining Compact (§ 45.1-271) to advise the Governor, Virginia's representative on the Interstate Mining Commission.

*Patron - O'Quinn*

---

### Failed

---

**[F]HB1344 Virginia Alternative Energy and Coastal Protection Act.** Authorizes the State Air Pollution Control Board to conduct an auction of allowances of CO2 emissions or authorize the Department of Environmental Quality to operate such auction. The bill establishes the Commonwealth Resilience Fund to receive funds from the auction and directs the funds to certain programs. Beginning in January 2021, the Department is required to file an annual report on the auction.

*Patron - Turpin*

**[F]HB1365 Virginia Alternative Energy and Coastal Protection Act.** Authorizes the State Air Pollution Control Board to conduct an auction of allowances of CO2 emissions or authorize the Department of Environmental Quality to operate such auction. The bill establishes the Commonwealth Resilience Fund to receive funds from the auction and directs the funds to certain programs. Beginning in January 2021, the Department is required to file an annual report on the auction.

*Patron - Adams, D.M.*

---

## Motor Vehicles

---

---

### Passed

---

**[P]HB55 Maximum speed limit on U.S. Route 501.** Increases from 55 miles per hour to 60 miles per hour the maximum speed limit on U.S. Route 501 between the Town of South Boston and the North Carolina state line.

*Patron - Edmunds*

**[P]HB73 Maximum speed limits on certain highways.** Increases from 55 miles per hour to 60 miles per hour the maximum speed limit on U.S. Route 301, the entirety of U.S. Route 17, and State Routes 3 and 207. This bill is identical to SB 466.

*Patron - Thomas*

**[P]HB114 Golf carts and utility vehicles on public highways; equine events.** Authorizes the use of golf carts and utility vehicles to cross a one-lane or two-lane highway from one portion to another of a venue hosting an equine event, provided that the crossing occurs on the same day as the equine event, occurs in a temporary traffic control zone with a speed limit of no more than 35 miles per hour, and is monitored and controlled by a uniformed law-enforcement officer.

*Patron - Webert*

**HB125 Hauling forest products.** Expands for the purpose of issuing an overweight permit for hauling forest products the definition of forest products to include rough-sawn green lumber.

*Patron - Austin*

**HB214 Overweight permits for hauling Virginia-grown farm produce; bridges and culverts.** Provides that no five-axle-combination vehicle shall be issued an overweight permit for hauling Virginia-grown farm produce unless such vehicle has no less than 42 feet of axle space between extreme axles. The bill provides that no vehicle issued an overweight permit for hauling Virginia-grown farm produce shall cross any bridge or culvert in the Commonwealth if the gross weight of such vehicle is greater than the amount posted for the bridge or culvert as its carrying capacity. Current law requires specific weight limitations based upon axle weights or axle spacing. This bill is identical to SB 73.

*Patron - Knight*

**HB236 Parked vehicles; registration, licensing, and titling requirements.** Expands from vehicles operated on a highway to vehicles operated or parked on a highway the class of vehicles subject to registration, licensing, and titling requirements. The bill contains technical amendments.

*Patron - Collins*

**HB287 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 with an expiration date of July 1, 2020. The bill also authorizes the issuance of revenue-sharing special license plates for supporters of stopping gun violence bearing the legend STOP GUN VIOLENCE with a delayed effective date of July 1, 2020.

*Patron - Simon*

**HB387 Relating to driver's license renewals.** Provides that a driver's license shall not be issued for a period of less than five years, unless otherwise provided by law. Current law provides that a driver's license shall not be issued for more than eight years.

*Patron - Keam*

**HB489 Registration and licensing of vehicles; payment of local taxes and fees.** Provides that in localities in which the treasurer or director of finance has entered into an agreement with the Commissioner of the Department of Motor Vehicles for the Commissioner to refuse to issue or renew vehicle registrations for persons with certain delinquent taxes or fees, the Commissioner may issue an initial registration for a period of up to 90 days for vehicles purchased subsequent to an enforcement action to allow the applicant to satisfy all applicable requirements, provided that the applicant pays a fee sufficient for the registration period.

*Patron - Hurst*

**HB505 Traffic signs; people with disabilities.** Allows any person who is deaf, blind, or deaf-blind, any person with autism or an intellectual or developmental disability, or the agent of any such person to request that the Department of Transportation (Department) post and maintain signs informing drivers that a person with a disability may be present in or around the roadway and directs the Department to post and maintain such signs in accordance with regulations developed by the Department.

*Patron - Bell, Robert B.*

**HB554 Broker's licenses; bed and breakfast establishments.** Permits operators of bed and breakfast establishments, defined in the bill, to sell or offer for sale to their guests transportation for compensation without first obtaining a broker's license issued by the Department of Motor Vehicles or a transportation network company broker's license.

*Patron - Freitas*

**HB563 Flashing red or red and white warning lights.** Allows vehicles of the National Guard Chemical, Biological, Radiological, Nuclear and High Yield Explosive (CBRNE) Enhanced Response Force Package (CERFP) to utilize flashing, blinking, or alternating red or red and white combination warning lights when responding to an emergency.

*Patron - Fowler*

**HB581 Inspection stations; appointments.** Removes the requirements that any official inspection station that accepts prescheduled appointments shall have two or more inspection lanes and leave one reserved for first-come, first-served inspections.

*Patron - Bloxom*

**HB627 Inspections prior to sale; exception; certain special orders.** Exempts from the requirement that motor vehicles be inspected prior to retail sale transactions (i) any motor vehicle that is sold on the basis of a special order placed with a dealer or manufacturer outside the Commonwealth by a dealer who makes modifications to such vehicle prior to delivery to the first retail customer who takes delivery outside the Commonwealth and (ii) any new motor vehicle that has previously been inspected and displays a valid state inspection sticker. For a new vehicle sold on the basis of a special order by a dealer on behalf of a nonresident, the bill expands the existing exception for an order placed with a manufacturer outside the Commonwealth to also exempt an order placed with a dealer outside the Commonwealth. The bill contains a technical amendment. This bill is identical to SB 873.

*Patron - Marshall*

**HB684 Maximum speed limits on certain highways.** Increases from 55 miles per hour to 60 miles per hour the maximum speed limit on State Route 3 between the corporate limits of the Town of Warsaw and the unincorporated area of Emmerton.

*Patron - Ransone*

**HB708 Rear-facing child restraint devices.** Prohibits child restraint devices from being forward-facing until, at least, the child reaches two years of age or until the child reaches the minimum weight limit for a forward-facing child restraint device as prescribed by the manufacturer of the device. The bill expands the reasons that a physician may determine that it is impractical for a child to use a child restraint system to include the child's height. The bill has a delayed effective date of July 1, 2019.

*Patron - Filler-Corn*

**HB737 Department of Motor Vehicles documents; veteran indicator.** Requires the Department of Motor Vehicles to issue driver's licenses, permits, and identification cards displaying an indicator signifying that the holder is a veteran, provided that the applicant requests such indicator and provides proof of veteran status. The bill repeals the authority of the Department to issue veterans identification cards.

*Patron - McGuire*

**HB761 Special license plates; WE ARE THE BIRTHPLACE OF THE FFA.** Authorizes the issuance of revenue-sharing special license plates for members and supporters of the Virginia Future Farmers of America (FFA) Foundation bearing the legend WE ARE THE BIRTHPLACE OF THE FFA. This bill is identical to SB 446.

*Patron - Landes*

**HB776 Regulation of parking on secondary highways; Albemarle.** Adds Albemarle County to the list of counties that may, by ordinance, regulate parking on secondary highways. This bill is identical to SB 679.

*Patron - Landes*

**HB800 Towing; fees.** Increases the maximum hookup and towing fee for passenger vehicles from \$135 to \$150. The



bill contains a technical amendment. This bill is identical to SB 492.

*Patron - Yancey*

**[P]HB830 TNC partner vehicles; interior trade dress.** Provides that transportation network company (TNC) partner vehicles may be equipped with certain removable illuminated interior trade dress devices that assist passengers in identifying and communicating with TNC partners. The bill limits the display and color of such illuminated interior trade dress devices and requires a TNC that issues such devices to file the specifications of the device with the Department of Motor Vehicles. This bill is identical to SB 128.

*Patron - Bagby*

**[P]HB955 Public utility service vehicles; yielding right-of-way or reducing speed.** Authorizes vehicles used by any public utility company for the purpose of repairing, installing, or maintaining electric or natural gas utility equipment or service to use certain high-intensity amber warning lights. The bill provides that if such a vehicle is stationary and displaying such lights, drivers shall, if possible, make a lane change to the lane not adjacent to the vehicle or reduce speed and proceed with caution.

*Patron - Yancey*

**[P]HB1068 Special license plates; veterans of certain military reserve organizations.** Provides that veterans of the Air Force Reserve, the Army Reserve, the Coast Guard Reserve, the Marine Reserve, and the Naval Reserve shall, upon application, be issued the special license plate issued under current law, upon application, to active members of those military reserve organizations.

*Patron - Heretick*

**[P]HB1069 Vehicle registration extension for satisfaction of certain requirements.** Expands eligibility for a one-month extension of a vehicle registration period to include persons whose vehicle registration has been withheld for failure to pay tolls. This bill is identical to SB 575.

*Patron - Heretick*

**[P]HB1178 Motor vehicle dealers; injunctive relief for failure to obtain a license.** Provides that (i) the Motor Vehicle Dealer Board (the Board) or (ii) any licensed motor vehicle dealer who sustains injury or damage to his business or property may seek injunctive relief against any person who engages in business in the Commonwealth as a motor vehicle dealer or salesperson without a license. The bill further provides that if the Board or licensed motor vehicle dealer is successful, the court may also award reasonable attorney fees and costs.

*Patron - Pillion*

**[P]HB1323 Military surplus motor vehicles; registration and operation on highways.** Authorizes the Department of Motor Vehicles to issue a registration card and license plates for military surplus motor vehicles, as defined in the bill. The bill limits the use and travel distance of military surplus motor vehicles and provides that any law-enforcement officer may require any person operating a military surplus motor vehicle to provide the address at which the vehicle is stored for use and the destination of such operation. The bill exempts military surplus motor vehicles from emissions standards.

*Patron - Yancey*

**[P]HB1342 Special license plates; supporters of NASA facilities in Virginia.** Provides that special license plates may be issued in a series for supporters of NASA facilities in Virginia. Current law only authorizes issuance of NASA Langley Research Center special license plates.

*Patron - Bloxom*

**[P]HB1349 Trespass towing.** Exempts Planning District 16 (George Washington) from any requirement by a towing advisory board for written authorization, in addition to a written contract, in the event that a vehicle is being removed from

private property. The bill requires that localities in Planning District 16 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. This bill is identical to SB 601.

*Patron - Fowler*

**[P]HB1354 Lighting devices on motor vehicles; covering.** Provides that if certain lighting devices are unlit, have a clear lens, and have a clear reflector if the lighting device has a reflector, then a vehicle equipped with such lighting device may be operated on the highways without covering the lighting device.

*Patron - Fariss*

**[P]HB1413 Display or parking of used motor vehicles for sale; penalty.** Clarifies that the prohibition on the display or parking, or permitting the display or parking, of five or more used motor vehicles within any 12-month period on real property to sell or advertise the sale of used motor vehicles applies per property and provides that a property owner or lessee in violation of such prohibition is guilty of a Class 4 misdemeanor. The bill also requires the Motor Vehicle Dealer Board to create a form to place on a vehicle that is in violation of the law. The bill contains technical amendments. This bill is identical to SB 532.

*Patron - Helsel*

**[P]HB1464 Auxiliary lighting on motorcycles and autocycles.** Provides that motorcycles and autocycles may be equipped with red or amber standard bulb running lights or light-emitting diode (LED) pods or strips as auxiliary lighting. The bill requires such lights to (i) be directed at the ground, (ii) be designed for vehicular use, (iii) not emit a beam of light greater than 25 candlepower per bulb, (iv) not be attached to wheels, and (v) not be blinking, flashing, oscillating, or rotating. Such lighting is not subject to approval by the Superintendent of State Police.

*Patron - Robinson*

**[P]HB1499 Safety inspection stickers; placement on motorcycles.** Provides that the owner of a motorcycle that is issued a safety inspection approval sticker shall have the discretion to place the sticker on a plate securely fastened to the motorcycle for the purpose of displaying the sticker or affix the sticker directly to the motorcycle.

*Patron - Rush*

**[P]HB1525 Use of handheld personal communications devices; highway work zones.** Imposes a mandatory fine of \$250 for using a handheld personal communications device for reading emails or texting while operating a motor vehicle in a highway work zone, defined in the bill, when workers are present.

*Patron - Yancey*

**[P]HB1535 Special license plates; KEEPING THE LIGHTS ON.** Authorizes the issuance of revenue-sharing special license plates for supporters of Virginia's electric cooperatives bearing the legend KEEPING THE LIGHTS ON.

*Patron - Austin*

**[P]SB73 Overweight permits for hauling Virginia-grown farm produce; bridges and culverts.** Provides that no five-axle-combination vehicle shall be issued an overweight permit for hauling Virginia-grown farm produce unless such vehicle has no less than 42 feet of axle space between extreme axles. The bill provides that no vehicle issued an overweight permit for hauling Virginia-grown farm produce shall cross any bridge or culvert in the Commonwealth if the gross weight of such vehicle is greater than the amount posted for the bridge or culvert as its carrying capacity. Current law requires specific weight limitations based upon axle weights or axle spacing. This bill is identical to HB 214.

*Patron - Cosgrove*

**SB84 Temporary registration of fleet vehicles; penalty.** Provides that the Department of Motor Vehicles may issue to fleet logistics providers, defined in the bill, a temporary registration for certain fleet vehicles. The bill requires that such temporary registration expire on receipt of permanent license plates from the Department or another jurisdiction, or 30 days from issuance, whichever occurs first.

*Patron - Black*

**SB126 Driver education programs; parent/student driver education component.** Permits any school division outside Planning District 8, at the discretion of the local school board, to administer a parent/student driver education component as part of the driver education curriculum. Under both current law and the bill, such component is a requirement in Planning District 8 (Northern Virginia). The bill allows for school divisions outside Planning District 8 to administer such component in-person or online.

*Patron - Cosgrove*

**SB128 TNC partner vehicles; interior trade dress.** Provides that transportation network company (TNC) partner vehicles may be equipped with certain removable illuminated interior trade dress devices that assist passengers in identifying and communicating with TNC partners. The bill limits the display and color of such illuminated interior trade dress devices and requires a TNC that issues such devices to file the specifications of the device with the Department of Motor Vehicles. This bill is identical to HB 830.

*Patron - Cosgrove*

**SB291 Department of Motor Vehicles; electronic services.** Codifies existing budget language in Item 442 A of the 2017 Appropriation Act that authorizes the Department of Motor Vehicles to establish, where feasible and cost efficient, contracts with public-private partnerships to provide for simplification and streamlining of services through electronic means. The bill codifies electronic services that the Department of Motor Vehicles has created pursuant to existing budget authority to provide simple, fast, efficient, and secure titling and registration of vehicles for customers and lienholders.

*Patron - McClellan*

**SB359 Driver education courses; instructor qualifications.** Provides that the Commissioner of the Department of Motor Vehicles (Commissioner) may, in lieu of the requirements established by the Department of Education for driver education instructor qualification, accept 20 years' service as a traffic enforcement officer with patrol experience with any local police department by a law-enforcement officer who (i) retired or resigned while in good standing from such department, (ii) was certified through a criminal justice training academy, and (iii) has been certified to teach driver training by the Department of Criminal Justice Services. Current law only allows the Commissioner to accept 20 years' service with the Department of State Police by a person who retired or resigned while in good standing from such department in lieu of such requirements for driver education instructor qualification.

*Patron - McClellan*

**SB410 Steady-burning blue or red lights on law-enforcement vehicles.** Permits law-enforcement vehicles to be equipped with steady-burning blue or red lights in addition to being equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent of State Police.

*Patron - McDougle*

**SB446 Special license plates; WE ARE THE BIRTHPLACE OF THE FFA.** Authorizes the issuance of revenue-sharing special license plates for members and supporters of the Virginia Future Farmers of America (FFA) Foundation bearing the legend WE ARE THE BIRTHPLACE OF THE FFA. This bill is identical to HB 761.

*Patron - Hanger*

**SB466 Maximum speed limits on certain highways.** Increases from 55 miles per hour to 60 miles per hour the maximum speed limit on U.S. Route 301, the entirety of U.S. Route 17, and State Routes 3 and 207. This bill is identical to HB 73.

*Patron - Reeves*

**SB492 Towing; fees.** Increases the maximum hookup and towing fee for passenger vehicles from \$135 to \$150. The bill contains a technical amendment. This bill is identical to HB 800.

*Patron - Carrico*

**SB496 Off-road recreational vehicles; highway speed limit.** Increases from 25 to 35 miles per hour the maximum highway speed limit wherein the governing body of any county, city, or town embraced by the Southwest Regional Recreation Authority may by ordinance authorize the operation of any off-road recreational vehicle. The bill provides that such governing body may by ordinance authorize the operation of any such vehicle for a distance of no more than five miles on any highway that has a maximum speed limit of more than 35 miles per hour.

*Patron - Carrico*

**SB515 Special license plates; Virginia Realtors.** Updates the name of an occupational organization whose members may apply for a special license plate from "Association of Realtors" to "Virginia Realtors."

*Patron - Suetterlein*

**SB532 Display or parking of used motor vehicles for sale; penalty.** Clarifies that the prohibition on the display or parking, or permitting the display or parking, of five or more used motor vehicles within any 12-month period on real property to sell or advertise the sale of used motor vehicles applies per property and provides that a property owner or lessee in violation of such prohibition is guilty of a Class 4 misdemeanor. The bill also requires the Motor Vehicle Dealer Board to create a form to place on a vehicle that is in violation of the law. The bill contains technical amendments. This bill is identical to HB 1413.

*Patron - Mason*

**SB575 Vehicle registration extension for satisfaction of certain requirements.** Expands eligibility for a one-month extension of a vehicle registration period to include persons whose vehicle registration has been withheld for failure to pay tolls. This bill is identical to HB 1069.

*Patron - DeSteph*

**SB586 Exhaust system in good working order; exclusion.** Excludes vehicles licensed as antique motor vehicles from the requirement that such vehicle be equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise. Current law excludes antique motor vehicles manufactured prior to 1950 from such requirements.

*Patron - DeSteph*

**SB601 Trespass towing.** Exempts Planning District 16 (George Washington) from any requirement by a towing advisory board for written authorization, in addition to a written contract, in the event that a vehicle is being removed from private property. The bill requires that localities in Planning District 16 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. This bill is identical to HB 1349.

*Patron - Vogel*

**SB679 Regulation of parking on secondary highways; Albemarle.** Adds Albemarle County to the list of counties that may, by ordinance, regulate parking on secondary highways. This bill is identical to HB 776.

*Patron - Deeds*

**SB701 Special license plates; ALZHEIMER'S ASSOCIATION.** Authorizes the issuance of revenue-sharing special license plates for supporters of the Alzheimer's Association bearing the legend ALZHEIMER'S ASSOCIATION.

*Patron - Chase*

**SB792 Special license plates; Friends of the Blue Ridge Parkway.** Provides that funds received by Friends of the Blue Ridge Parkway, Inc., as a result of its special revenue-sharing license plate fees may be used to support the group's operation and programs in Virginia. Current law requires that such funds be used only to clear the scenic overlooks along the Blue Ridge Parkway in order to promote tourism along the Parkway in Virginia.

*Patron - Edwards*

**SB873 Inspections prior to sale; exception; certain special orders.** Exempts from the requirement that motor vehicles be inspected prior to retail sale transactions (i) a motor vehicle that is sold on the basis of a special order placed with a dealer or manufacturer outside the Commonwealth by a dealer who makes modifications to such vehicle prior to delivery to the first retail customer who takes delivery outside the Commonwealth or (ii) a new motor vehicle that has previously been inspected and displays a valid inspection sticker. For a new vehicle sold on the basis of a special order by a dealer on behalf of a nonresident, the bill expands the existing exception for an order placed with a manufacturer outside the Commonwealth to also exempt an order placed with a dealer outside the Commonwealth. The bill contains a technical amendment. This bill is identical to HB 627.

*Patron - Ruff*

**SB947 Special license plates; emergency medical services agencies; fire departments.** Requires volunteer emergency medical services agencies or volunteer emergency medical services agency auxiliaries to notify the Commissioner of the Department of Motor Vehicles within 30 days of separation of any member from such agency or agency auxiliary. The bill requires fire departments to maintain a copy of an approved application for a special license plate for professional or volunteer fire fighters and members of volunteer fire department auxiliaries and to notify the Commissioner within 30 days of separation of any professional fire fighter, volunteer fire fighter, or member of a volunteer fire department auxiliary from such fire department.

*Patron - Hanger*

## Failed

**HB9 Safety restraint use in motor vehicles.** Requires all occupants of motor vehicles to utilize safety restraints. Current law requires safety belt use only by occupants under the age of 18, drivers, and passengers 18 years of age or older occupying the front seat.

*Patron - Krizek*

**HB12 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" immigration status. The bill contains a technical amendment.

*Patron - Kory*

**HB27 Vehicle inspection sticker; location on vehicle.** Changes the display location of a vehicle inspection sticker from the windshield to the rear window in the lower corner on the driver's side of the vehicle.

*Patron - Cole*

**HB93 Issuance of temporary license, permit, or special identification card; alien paroled into the United States.** Authorizes the Department of Motor Vehicles to issue tempo-

rary driver's licenses, permits, and special identification cards to aliens who present documentary evidence of a pending or approved application to be paroled into the United States. The bill contains a technical amendment.

*Patron - Wilt*

**HB115 Reckless driving; penalty.** Expands the conduct that constitutes reckless driving to include driving a vehicle without giving proper time and attention to driving.

*Patron - Webert*

**HB116 Local authority; distracted driving.** Authorizes any local governing body to adopt an ordinance prohibiting any person from driving a vehicle on any highway within the locality while failing to provide proper time and attention necessary for the safe operation of the vehicle where the manner of driving does not constitute reckless or improper driving. The bill provides that a violation of any such ordinance is punishable as a traffic infraction with a fine of not more than \$300.

*Patron - Webert*

**HB177 Distracted driving; handheld personal communications devices; driving with an animal.** Prohibits a vehicle operator from using his hands to use a handheld personal communications device while driving. Current law only prohibits the use of a handheld personal communications device for certain purposes while operating a moving vehicle. The bill exempts any person who is using a radio-based communications device during an emergency or disaster relief operation or who is using a handheld personal communications device to initiate or terminate a telephone call; the bill maintains the current exemptions for any person who is stopped or parked, emergency personnel, and reporting an emergency. The bill also prohibits any person, while operating a moving motor vehicle, to (i) have an animal on his lap, (ii) permit an animal to impede his free access to and use of vehicle controls, or (iii) obstruct his vision.

*Patron - Bell, Richard P.*

**HB180 Distracted driving; penalty.** Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purpose 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 - Collins*

**HB181 Distracted driving; handheld communications device.** Provides that any person who drives a motor vehicle on any highway while using a handheld personal communications device where such use substantially diverts the driver's attention from the operation of the motor vehicle is guilty of distracted driving. Current law prohibits only the reading of an email or text message on the device and manually entering letters or text in the device as a means of communication. The bill provides that distracted driving is punishable as a traffic infraction with a fine of not more than \$500 and a mandatory minimum fine of \$250 if the violation occurs in a highway work zone.

*Patron - Collins*

**HB207 Operating motor vehicle with accumulated snow or ice; penalty.** Provides that it is a traffic infraction punishable by a fine of \$100 for a person to operate a moving motor vehicle with any amount of accumulated snow or ice on its exposed surfaces where, were the snow or ice to become

dislodged from such vehicle, such accumulated snow or ice could interfere with the operation of another motor vehicle or cause injury to persons or property. The bill exempts from the infraction a person operating an emergency vehicle, a vehicle engaged in snow or ice removal and control operations, or a vehicle operated during adverse weather conditions arising after operation of the vehicle began that result in the accumulation of snow or ice on such vehicle.

*Patron - Mullin*

**HB219 Passing a stopped school bus; penalty.** Requires that any person who fails to stop his vehicle and remain stopped when approaching, from any direction, a school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging passengers, and as the sole and proximate result of his reckless driving causes the serious injury or death of another, is guilty of a Class 5 felony.

*Patron - Morefield*

**HB308 Passing in a bicycle lane prohibited.** Prohibits the driver of a motor vehicle from using a bicycle lane to pass or attempt to pass another vehicle.

*Patron - Watts*

**HB370 Unpaid Department of Motor Vehicle fees; minimum amount due prior to suspension of services or privileges.** Prohibits the Department of Motor Vehicles from suspending or revoking access to any services provided by the Department or the driving privileges of any person who is eligible for such suspension or revocation due to prior unpaid fees imposed by the Department if the total amount due to the Department is less than \$250.

*Patron - Rush*

**HB426 Careless driving; cause of injury to vulnerable road user.** Provides that a person who operates a motor vehicle in a careless or distracted manner and causes serious bodily injury to a pedestrian or person riding a bicycle, electric wheelchair, electric bicycle, wheel chair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle is guilty of a Class 1 misdemeanor.

*Patron - Levine*

**HB428 Minimum speed limits.** Establishes a minimum speed 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 primary highways.

*Patron - Marshall*

**HB432 Registration and titling of vehicles; photo identification.** Requires any person applying to the Department of Motor Vehicles (Department) for a vehicle registration card or certificate of title to present a valid photo identification issued by the Department or, if registering online or by mail, a black and white photocopy thereof.

*Patron - Marshall*

**HB446 Driving on a suspended or revoked license; unpaid court fines or costs; traffic infraction.** Provides that the penalty for driving on a suspended or revoked driver's license where the reason for the suspension or revocation was a person's failure to pay court-ordered fines and costs is punishable as a traffic infraction. Currently, the offense is a Class 1 misdemeanor.

*Patron - Carroll Foy*

**HB464 Yielding the right-of-way to pedestrians; stopping.** Clarifies the duties of vehicle drivers to stop to allow pedestrians to cross highways at (i) clearly marked crosswalks, whether at mid-block or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching

on a highway where the maximum speed limit is not more than 35 miles per hour. The bill contains technical amendments.

*Patron - Carter*

**HB492 Passing a stopped school bus; driving record.** Provides that the imposition of a civil penalty for passing a stopped school bus shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

*Patron - LaRock*

**HB506 Improper driving; handheld communication device.** Provides that any person who drives a vehicle on any highway (i) in a negligent manner but does not endanger the life, limb, or property of another or (ii) while using a handheld personal communications device where such use substantially diverts the driver's attention from the operation of the vehicle is guilty of improper driving. Current law authorizes a court to find a person charged with reckless driving not guilty of reckless driving but guilty of improper driving, which under current law is punishable as a traffic infraction with a fine of not more than \$500.

*Patron - Mullin*

**HB524 Special license plates; fees.** Removes the one-time fee of \$10 for issuance of special license plates for persons awarded the Bronze Star, the Bronze Star with a "V" for valor, the Silver Star, the Navy Cross, the Distinguished Service Cross, the Air Force Cross, the Distinguished Flying Cross, or the Legion of Merit Medal.

*Patron - Brewer*

**HB580 Driver privilege cards.** Authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an individual who has (i) reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements of Article 8 (§ 46.2-705 et seq.) (Registration of Uninsured Motor Vehicles) of Chapter 6 of Title 46.2. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term driver's license to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit has reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2019.

*Patron - Bloxom*

**HB582 Vehicle safety inspections; maximum charges.** Increases from \$12 to \$15 the maximum amount any safety inspection station can charge for an inspection of any motorcycle and increases from \$16 to \$25 the maximum amount any safety inspection station can charge for an inspection of any vehicle other than a tractor truck, truck that has a gross vehicle weight rating of 26,000 pounds or more, or motor vehicle that is used to transport passengers and has a seating

capacity of more than 15 passengers, including the driver, motorcycle, or autocycle.

*Patron - Bloxom*

**HB599 Nonpayment of child support; amount of arrearage paid; time period to pay arrearage; repayment schedule; suspension of driver's license.** Provides that an individual who is delinquent in child support payments or has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings is entitled to a judicial hearing if he makes a written request within 30 days from service of a notice of intent to suspend or renew his license. Current law provides such an entitlement if such request is made within 10 days from such notice. The bill further allows the Department of Motor Vehicles to renew a driver's license or terminate a license suspension imposed on an individual if such individual has reached an agreement with the Department of Social Services to satisfy the child support payment delinquency within a 20-year period, as opposed to a 10-year period as current law provides, and has made at least one payment of at least five percent of the total delinquency or \$600, whichever is lesser, as opposed to whichever is greater under current law, under such agreement. The bill further provides that, where such a repayment agreement has been entered into and such an individual has failed to comply with such agreement, the Department of Motor Vehicles shall suspend or refuse to renew such individual's driver's license until it has received certification from the Department of Social Services that such individual has entered into a subsequent agreement to pay within a period of 15 years, as opposed to seven under current law, and has paid the lesser amount, as opposed to greater amount under current law, of at least one payment of \$1,200 or seven percent, as opposed to five percent under current law, of the current delinquency. The bill provides that an individual who fails to comply with such a subsequent agreement may enter into a new agreement if such individual has made a payment in the lesser amount, as opposed to the greater amount under current law, of \$1,800 or 10 percent, as opposed to five percent under current law, and agrees to a repayment schedule of not more than 10 years, as opposed to seven years under current law.

*Patron - Carr*

**HB633 Driver's license suspensions for certain non-driving related offenses.** Removes the existing provisions that a person's driver's license is suspended (i) when he is convicted of or placed on deferred disposition for a drug offense or (ii) for nonpayment of fines and court costs for offenses not pertaining to the operator or operation of a motor vehicle. The provisions of this bill that affect the Code of Virginia have a delayed effective date of September 1, 2018.

*Patron - Krizek*

**HB672 Suspension of license for unsatisfied judgments and after certain accidents.** Repeals the suspension of license requirement for unsatisfied judgments and after certain accidents. The bill further provides that the Commissioner of the Department of Motor Vehicles shall return or reinstate any person's driver's license that was suspended solely for such purposes.

*Patron - Kilgore*

**HB802 Eluding police; penalty.** Provides that the sentence for a person convicted of driving a motor vehicle in a willful and wanton disregard of a law-enforcement officer's signal to stop such vehicle so as to interfere with or endanger the operation of a law-enforcement vehicle or to endanger another person, which is punishable as a Class 6 felony, must include a mandatory minimum term of confinement of 90 days.

*Patron - O'Quinn*

**HB811 Slow vehicle; leaving right-most lane for passing; penalty.** Provides that a vehicle proceeding at less than the normal rate of traffic can only leave the right-most lane to overtake or pass another vehicle if it would not impede traffic in the lane into which the vehicle is merging and that

such vehicle must return to the right-most lane as soon as it is safe to do so. The bill contains technical amendments.

*Patron - O'Quinn*

**HB839 Rights and duties of motorcycle franchises, dealers, manufacturers, and distributors.** Makes substantially consistent between motor vehicle dealers and motorcycle dealers (i) the process by which the Department of Motor Vehicles (Department) reviews new or amended franchise or sales agreements offered in the Commonwealth; (ii) what qualifies as prohibited coercion of a retail dealer by a manufacturer or distributor; (iii) the prohibitions on a manufacturer's or distributor's discriminating against one dealer in favor of another; (iv) the obligations of all parties in regard to recalls, warranties, and sales incentives; (v) the process for mediation of disputes between parties to a franchise agreement; (vi) the prohibition on waiving certain dealer rights; (vii) the use of and limitations on manufacturer or distributor performance standards; (viii) the process for hearings before the Commissioner of the Department; and (ix) the rights of dealers to sell certain stock following the termination of the franchise.

*Patron - Collins*

**HB899 Military surplus off-road motor vehicles; antique vehicles.** Clarifies that military surplus off-road motor vehicles can qualify as antique vehicles. The bill defines military surplus off-road motor vehicles as those that were manufactured by or under the direction of the United States Armed Forces and subsequently authorized for sale to civilians.

*Patron - Yancey*

**HB914 School bus operators; training.** Codifies hourly requirements that (i) decrease from 24 to six the number of hours currently required in regulation for behind-the-wheel training for school bus operator applicants who do not possess a commercial driver's license; (ii) decrease from 24 to four the number of hours currently required in regulation for classroom training and from 24 to three the number of hours currently required in regulation for behind-the-wheel training for applicants currently possessing a commercial driver's license; and (iii) decrease from 24 to four the number of hours currently required in regulation for classroom training and from 24 to three the number of hours currently required in regulation for behind-the-wheel training for applicants previously trained and approved to operate a school bus who were not removed for cause from a prior position operating a school bus. Current law leaves the setting of such hourly requirements to the Department of Education. The bill contains technical amendments.

*Patron - Landes*

**HB941 Suspension of driver's license for nonpayment of fines or costs.** Removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan.

*Patron - Lopez*

**HB943 Special license plates; E PLURIBUS UNUM.** Authorizes the issuance of special license plates for supporters of seeing the strength in unity bearing the legend E PLURIBUS UNUM.

*Patron - Lopez*

**HB1012 Driving in the left-most lane of a multi-lane highway.** Prohibits operating a vehicle in the left-most lane of a highway that is divided into at least two lanes in each direction whenever the operation of any other vehicle may be

impeded by the use of such lane, except (i) when overtaking and passing another vehicle or (ii) in preparation for a left exit. The bill contains technical amendments.

*Patron - Gilbert*

**HB1013 Transportation network company; discrimination.** Requires transportation network companies to adopt and enforce a policy of nondiscrimination on the basis of a passenger's race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

*Patron - Simon*

**HB1021 Speed monitoring systems; school crossing zones.** Provides that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system, defined in the bill, that creates recorded images of vehicles traveling at least 10 miles per hour in excess of the maximum applicable speed limit. The penalty imposed for violating applicable speed limits where such violation is established by recorded images produced by a speed monitoring system cannot exceed \$50. The bill provides that a locality may install and operate a speed monitoring system only at school crossing zones. The procedures for operating a speed monitoring system and issuing summonses to violators and the rights of such violators, including the right to appeal to circuit court, parallel those currently in place for red light violations recorded by photo-monitoring systems at traffic lights.

*Patron - Adams, L.R.*

**HB1077 Driver education courses; virtual testing.** Authorizes the Department of Motor Vehicles to allow licensed computer-based driver education providers to offer driver education tests virtually for computer-based driver education courses, provided that certain verification standards are met.

*Patron - Filler-Corn*

**HB1149 Credential cards without a photograph; issuance by the Department of Motor Vehicles; penalties.** Requires the Department of Motor Vehicles to issue a credential card to a person who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029 or an affidavit affirming that he has a sincerely held religious belief against the taking of a portrait photograph. The bill directs that a credential card be of a similar size, shape, and design to a driver's license but not include a photograph of its holder and that it state that the card does not authorize the person to whom it is issued to drive a motor vehicle, vote, or receive federal benefits.

*Patron - Wilt*

**HB1153 Issuance of restricted commercial driver's licenses; non-driving offenses; penalties.** Authorizes a court that has issued an order authorizing a person subject to a suspension of his driving privileges for nonpayment of (i) child support, (ii) fees owed to local correctional facilities or jails, or (iii) court fines or costs to operate a motor vehicle for the purpose of travel during the hours of such person's employment to order that such person be issued a restricted commercial driver's license for the same purpose. The bill requires the Department of Motor Vehicles to issue a restricted license upon receipt of any such order. The provisions of the bill are contingent upon receipt by the Virginia Department of Transportation of written assurance from the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation that Virginia will not lose any federal funds as a result of its implementation.

*Patron - Wilt*

**HB1236 Special license plates; GREEN BERET FOUNDATION.** Authorizes the issuance of special license plates for supporters of the Green Beret Foundation bearing the legend GREEN BERET FOUNDATION.

*Patron - Hugo*

**HB1244 Department of Motor Vehicles; service charges for in-person transactions.** Eliminates the 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 service center.

*Patron - Cline*

**HB1272 Safety belt systems; rear passengers.** Expands the requirement that any person at least 18 years of age use a safety belt system while a motor vehicle is in motion on a public highway from only occupants in the front seat to occupants in the front and rear passenger seats, defined in the bill.

*Patron - Watts*

**HB1282 Parking citations; funds paid to locality.** Requires that the regulations issued by the Commissioner of Highways regarding parking on primary and secondary highways provide that the funds paid as a result of a citation issued by a law-enforcement officer or official authorized to issue citations who is employed by a locality shall be paid to the general fund of the locality in which the part of the highway lies. Current law provides that such funds are to be paid into the general fund of the state treasury.

*Patron - LaRock*

**HB1289 Passing stopped school busses; local ordinances.** Provides that a summons for a violation of a local ordinance prohibiting passing a stopped school bus shall be on a form provided by the Office of the Executive Secretary of the Supreme Court. The bill provides that any penalty imposed under such ordinance will not be reported to the Department of Motor Vehicles or made part of the operator's driving record. The bill provides that any such ordinance adopted by a county applies to infractions that occur in a town located within the county for which the county provides the public school system.

*Patron - Guzman*

**HB1298 Towing advisory boards.** Makes discretionary the requirement that the governing body of a locality appoint a towing advisory board prior to adopting an ordinance or entering into a contract regarding local towing regulations. Current law makes such requirement mandatory.

*Patron - Aird*

**HB1316 Special license plates; I SUPPORT WOMEN VETERANS.** Authorizes the issuance of revenue-sharing special license plates for supporters of Virginia women veterans bearing the legend I SUPPORT WOMEN VETERANS.

*Patron - Carroll Foy*

**HB1318 Driver privilege cards.** Authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an individual who has (i) reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements of Article 8 (§ 46.2-705 et seq.) (Registration of Uninsured Motor Vehicles) of Chapter 6 of Title 46.2. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term driver's license to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commis-

sioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2019.

*Patron - Boysko*

**HB1384 Hands-free operation of handheld personal communications devices in motor vehicles; exceptions.** Expands the prohibition on using a handheld personal communications device while operating a motor vehicle to all communications unless the device is specifically designed to allow voice and hands-free operation and the device is being used in that manner. The bill provides that if such device is mounted to the dashboard of the vehicle it shall not obscure the driver's view of any portion of the windshield other than specifically allowed. Current law prohibits only the reading of an email or text message and manually entering letters or text in the device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are used (i) for navigation or generating audio transmissions when the device is physically mounted to the vehicle or (ii) by an operator who activates, deactivates, or initiates a factory-installed feature or function on the vehicle and removes the exemption for an operator who is lawfully parked or stopped.

*Patron - Ayala*

**HB1406 Towing and recovery operators; costs for towing and storing stolen vehicles.** Creates a mechanism whereby towing and recovery operators that tow certain abandoned or immobile vehicles on behalf of a law-enforcement agency may recover costs for storage, towing, and recovery fees from such law-enforcement agency. The bill provides that such law-enforcement agency may seek full reimbursement of the costs from the state treasury from the appropriation for criminal charges.

*Patron - Pogge*

**HB1423 Special license plates; FIRST IN WINE.** Authorizes the issuance of special license plates for supporters of the Virginia wine industry bearing the legend FIRST IN WINE.

*Patron - Webert*

**HB1489 Tolling; Northern Virginia.** Requires the Department of Transportation to refund the holder of an electronic toll collection device for any sum of tolls collected or imposed for travel on Interstate 66 east of mile marker 67 totaling more than \$200 per calendar month per electronic toll collection device until the eastbound widening project on Interstate 66 inside the Capital Beltway (Beltway) is completed. The bill sets the tolling hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:30 p.m. until the eastbound widening project on Interstate 66 inside the Beltway is completed. The bill requires that the Department of Transportation activate tolling on reverse commuters inside the Beltway on Interstate 66. The bill directs the Secretary of Transportation (the Secretary) to engage the Metropolitan Washington Airports Authority (MWAA) and federal government officials for the purpose of implementing dynamic tolling on the Dulles Airport Access Highway and requires that the Secretary report to the Chairmen of the House and Senate Transportation Committees. The bill also requires the Secretary to engage the MWAA for the purpose of eliminating tolls on the Dulles Toll Road by 2030 and requires the Secretary to report to the Chairmen of the House and Senate Transportation Committees regarding the same.

*Patron - LaRock*

**HB1497 Special license plates; I HAVE A DREAM.** Authorizes the issuance of revenue-sharing special license plates honoring Dr. Martin Luther King, Jr., bearing the legend I HAVE A DREAM. The bill requires that all fees imposed shall be paid to the Commissioner of the Department

of Motor Vehicles and set aside as a special fund to be used to support the Department of Motor Vehicle's obligations to provide assistance in providing voter photo identification cards.

*Patron - Adams, D.M.*

**HB1536 Special license plates; NATIONAL WILD TURKEY FEDERATION.** Authorizes the issuance of revenue-sharing special license plates for supporters of the National Wild Turkey Federation bearing the legend NATIONAL WILD TURKEY FEDERATION.

*Patron - Austin*

**HB1572 Crash reports; disclosure to emergency medical services agencies.** Requires the Department of State Police to release crash reports to emergency medical services agencies upon request.

*Patron - Austin*

**HB1586 Public school buses; seat belts.** Requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt in every seat. The bill requires each school board to ensure that no later than July 1, 2038, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat.

*Patron - Convors-Fowler*

**SB46 Yielding the right-of-way to pedestrians; stopping.** Clarifies the duties of vehicle drivers to stop to allow pedestrians to cross highways at (i) clearly marked crosswalks, whether at mid-block or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill contains technical amendments.

*Patron - Favola*

**SB74 Use of handheld personal communications devices while driving.** Expands the prohibition on using a handheld personal communications device while operating a motor vehicle to all communications unless the device is specifically designed to allow voice and hands-free operation and the device is being used in that manner. Current law prohibits only the reading of an email or text message and manually entering letters or text in the device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are used (i) for navigation or generating audio transmissions when the device is physically mounted to the vehicle, (ii) as a citizens band radio, (iii) by federally licensed amateur radio operators under certain circumstances, or (iv) by an operator who activates, deactivates, or initiates a factory-installed feature or function on the vehicle.

*Patron - Surovell*

**SB87 Careless driving; cause of injury to vulnerable road user.** Provides that a person 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, is guilty of a traffic infraction.

*Patron - Surovell*

**SB88 Passing in a bicycle lane prohibited.** Prohibits the driver of a motor vehicle from using a bicycle lane to pass or attempt to pass another vehicle.

*Patron - Surovell*

**SB97 Driving with animal prohibited.** Prohibits any person, while operating a moving motor vehicle, to (i) have an animal on his lap, (ii) permit an animal to impede his free access to and use of vehicle controls, or (iii) obstruct his vision.

*Patron - Marsden*



**SB104 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*

**SB148 Driver's license suspensions for certain non-driving related offenses.** Removes the existing provisions that a person's driver's license is suspended (i) when he is convicted of or placed on deferred disposition for a drug offense or (ii) for nonpayment of fines and court costs for offenses not pertaining to the operator or operation of a motor vehicle. The provisions of this bill that affect the Code of Virginia have a delayed effective date of September 1, 2018. This bill was incorporated into SB 181.

*Patron - Edwards*

**SB181 Suspension of driver's license for nonpayment of fines or costs.** Repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill provides that the Commissioner of the Department of Motor Vehicles shall return or reinstate any person's driver's license that was suspended prior to July 1, 2018, solely for nonpayment of fines or costs, provided that such person has paid the applicable reinstatement fee. The provisions of the bill are contingent on funding in a general appropriation act. This bill incorporates SB 148.

*Patron - Stanley*

**SB206 Maximum speed limits on certain highways.** Increases from 55 miles per hour to 60 miles per hour the maximum speed limit on U.S. Route 301, the entirety of U.S. Route 17, and State Routes 3 and 207.

*Patron - Stuart*

**SB250 Towing advisory boards.** Makes discretionary the requirement that the governing body of a locality appoint a towing advisory board prior to adopting an ordinance or entering into a contract regarding local towing regulations. Current law makes such requirement mandatory.

*Patron - Dance*

**SB275 Distracted driving; penalty.** Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purpose 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 - Barker*

**SB326 Towing advisory boards.** Makes discretionary the requirement that the governing body of a locality appoint a towing advisory board prior to adopting an ordinance or entering into a contract regarding local towing regulations. Current law makes such requirement mandatory.

*Patron - Ruff*

**SB381 Passing a stopped school bus; injury to another person; penalty.** Provides that any person who unlawfully passes a stopped school bus while driving a motor vehicle and causes serious bodily injury to another person is guilty of a Class 5 felony.

*Patron - Chafin*

**SB441 School zones; use of certain devices by drivers prohibited.** Provides that any person who operates a moving motor vehicle while using any handheld personal communications device (i) within a reduced-speed school crossing zone on a day school is in session or (ii) on school property is guilty of a traffic infraction, unless the handheld personal communications device is specifically designed and configured to allow voice and hands-free operation and the device is being used in that manner. The bill includes an exception for operators of emergency vehicles in the performance of their official duties.

*Patron - Wexton*

**SB509 Handheld photo speed monitoring devices.** Provides that the Department of State Police may operate a handheld photo speed monitoring device, defined in the bill, in or around a highway work zone for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone when (i) workers are present and (ii) such highway work zone is indicated by appropriately placed signs displaying the maximum speed limit and the use of such handheld automated speed monitoring device.

*Patron - Carrico*

**SB611 Motor vehicle liability insurance coverage limits.** Increases the minimum motor vehicle liability insurance coverage amounts from \$25,000 to \$100,000 in cases of bodily injury to or death of one person, from \$50,000 to \$200,000 in cases of bodily injury to or death of more than one person in any one accident, and from \$20,000 to \$40,000 for property damage coverage. This bill was incorporated into SB 364.

*Patron - Surovell*

**SB621 Driver privilege cards.** Authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an individual who has (i) reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements of Article 8 (§ 46.2-705 et seq.) (Registration of Uninsured Motor Vehicles) of Chapter 6 of Title 46.2. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term driver's license to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2019.

*Patron - Surovell*

**SB678 Speed monitoring systems.** Provides that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system that creates recorded images of vehicles traveling at least 10 miles per hour in excess of the maximum applicable speed limit. The penalty imposed for violating applicable speed limits where such violation is established by recorded images produced by a speed monitoring system cannot exceed \$50. The bill provides that a locality may install and operate a speed monitoring system only at residence districts, school crossing zones, and

highway work zones. The procedures for operating a speed monitoring system and issuing summons to violators and the rights of such violators, including the right to appeal to circuit court, parallel those currently in place for red light violations recorded by photo-monitoring systems at traffic lights.

*Patron - Deeds*

**[F]SB686 Safety inspection approval stickers; vehicle equipment presumed compliant.** Provides that a valid safety inspection approval sticker properly displayed on a vehicle gives rise to a rebuttable presumption that there are no defects in equipment subject to a safety inspection on such vehicle.

*Patron - Deeds*

**[F]SB744 Safety belt systems; rear passengers; primary offense.** Expands the requirement that any person at least 18 years of age use a safety belt system while a motor vehicle is in motion on a public highway from only occupants in the front seat to occupants in the front and rear passenger seats, defined in the bill. The bill makes any violation of the statute governing the required use of safety lap belts and shoulder harnesses a primary offense.

*Patron - Barker*

**[F]SB805 Passing a stopped school bus; driving record.** Provides that the imposition of a civil penalty for passing a stopped school bus shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

*Patron - Carrico*

**[F]SB874 Signals required when driving.** Requires drivers to give a signal plainly visible to pedestrians or other drivers upon backing, stopping, turning, or partly turning from a direct line whenever any pedestrian or other vehicle may be affected by such movement. Current law requires such signaling if such movement can be made safely and whenever the operation of any other vehicle may be affected by such movement.

*Patron - Howell*

**[F]SB889 Driver education courses; virtual testing.** Authorizes the Department of Motor Vehicles to allow licensed computer-based driver education providers to offer driver education tests virtually for computer-based driver education courses, provided that certain verification standards are met.

*Patron - Marsden*

**[F]SB917 Handheld photo speed monitoring devices.** Provides that a law-enforcement officer may operate a handheld photo speed monitoring device, defined in the bill, in or around a school crossing zone for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted school crossing zone speed limit within such school crossing zone when such school crossing zone is indicated by appropriately placed signs displaying the maximum speed limit and the use of such handheld automated speed monitoring device.

*Patron - Chase*

**[F]SB919 Careless driving; cause of injury to vulnerable road user; penalty.** Provides that a person who operates a motor vehicle in a careless or distracted manner and causes serious bodily injury to a pedestrian or person riding a bicycle, electric personal assistive mobility device, electric bicycle, wheel chair or wheel chair conveyance, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle is guilty of a Class 2 misdemeanor. Upon conviction of such offense, the court may suspend the person's driver's license for a period of not more than six months.

*Patron - Ebbin*

**[F]SB945 Operation of dealership or service facility; manufacturers.** Provides that manufacturers of multistage

trucks, defined in the bill, involved in the second or subsequent stage of construction or assembly of a multistage truck may also own, operate, or control a dealership or service facility for such vehicles. In addition, the bill repeals the statutory prohibitions on trailer manufacturers operating dealerships or service facilities for such trailers.

*Patron - Newman*

**[F]SB958 Invoice for unpaid tolls; mail.** Authorizes toll facility operators to mail invoices for two or more unpaid tolls by first-class mail rather than certified mail. The bill provides that a rebuttable presumption that the owner or operator of the vehicle has received the invoice is created if the toll facility operator presents either a United States postal certificate of mailing or a certificate of service confirming such mailing.

*Patron - DeSteph*

## Carried Over

**[C]HB218 Special license plates; ROCKY MOUNTAIN ELK FOUNDATION.** Authorizes the issuance of special license plates for members and supporters of the Rocky Mountain Elk Foundation bearing the legend ROCKY MOUNTAIN ELK FOUNDATION.

*Patron - Morefield*

**[C]HB896 Motor vehicle dealer; definition.** Clarifies that in order to be classified as a motor vehicle dealer a person must (i) buy, offer to sell or sell, display or permit the display for sale of, exchange, or negotiate on behalf of others the sale, purchase, or exchange of at least five motor vehicles within 12 consecutive months or (ii) be wholly or partially engaged in the business of selling motor vehicles, whether or not the vehicles are owned by such person, provided that such person, through such business, offers to sell, sells, displays, or permits the display for sale of at least five motor vehicles within 12 consecutive months. The bill contains technical amendments.

*Patron - Landes*

**[C]SB116 Special license plates; NO BULLY ZONE.** Authorizes the issuance of revenue-sharing special license plates for members and supporters of the Parents Against Bullying organization bearing the legend NO BULLY ZONE.

*Patron - Locke*

**[C]SB364 Motor vehicle liability insurance coverage limits.** Increases the minimum liability coverage amount from \$20,000 to \$50,000 for injury to or destruction of property of others in any one accident. The bill applies to motor vehicle insurance policies issued or renewed on or after January 1, 2019. This bill incorporates SB 611.

*Patron - Newman*

**[C]SB431 Special license plates; I SUPPORT WOMEN VETERANS.** Authorizes the issuance of revenue-sharing special license plates for supporters of Virginia women veterans bearing the legend I SUPPORT WOMEN VETERANS.

*Patron - Wexton*

**[C]SB578 Suspension of driver's license for nonpayment of fines or costs.** Removes the requirement that a court suspend the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs. The bill allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan.

*Patron - Ebbin*

**[C]SB600 Distracted driving; penalty.** Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purpose 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 - Vogel*

**[C]SB692 Issuance of disabled parking placards.** Allows mental health professionals to certify to the Department of Motor Vehicles a person's disability that limits or impairs his ability to walk, for the purpose of obtaining a disabled parking placard. The bill contains technical amendments.

*Patron - Deeds*

**[C]SB700 School bus video-monitoring systems; release of information by the Department of Motor Vehicles.** Authorizes the Department of Motor Vehicles to release vehicle owner data of a vehicle that failed to stop for a stopped school bus upon request of a video-monitoring system operator or upon request of the authorized agent or employee of a video-monitoring system operator.

*Patron - Deeds*

**[C]SB988 Special license plates; THE AMERICAN LEGION.** Authorizes the issuance of special license plates for members and supporters of The American Legion bearing the legend THE AMERICAN LEGION.

*Patron - Stuart*

## Notaries and Out-of-State Commissioners

Passed

**[P]HB1343 Notaries; fee agreements with employer.** Allows an employer to require a notary in his employment to surrender to such employer a fee, if charged, provided that the notarial act for which the fee is charged is performed during the course of the employee's employment. Current law prohibits an employer from requiring the surrender of any such fee.

*Patron - Ward*

Failed

**[E]SB628 Qualifications of notary; misdemeanor offense of moral turpitude.** Provides that a person who has been convicted of a misdemeanor offense of moral turpitude is not qualified to be commissioned as a notary.

*Patron - Surovell*

## Nuisances

Failed

**[F]HB773 Nuisance; breach of peace.** Provides that the attorney for the Commonwealth or the attorney for the locality may maintain a civil action in the circuit court for the jurisdiction in which a nuisance is alleged to exist to abate the nuisance, enjoin the maintenance of the nuisance, and enjoin the use of any building or property adjudged to be a nuisance. "Nuisance" is defined in the bill as any real property, building, place, or ground, including the furniture, fixtures, and contents thereof, where repeated acts constituting breaches of the peace are conducted or permitted to occur. "Breach of the peace" is defined as an act that disturbs the public order, including homicide, assault, affray, communication of a threat, unlawful possession of a dangerous or deadly weapon, and unlawful discharge of a firearm.

*Patron - Ward*

## Pensions, Benefits, and Retirement

Passed

**[P]HB846 Virginia Retirement System; technical amendments.** Makes technical amendments to Title 51.1, Pensions, Benefits, and Retirement, including clarifying that medical boards may be composed of not only physicians but also other health care professionals and that the only federal civilian service eligible to be purchased as membership credit is full-time service. This bill is identical to SB 248.

*Patron - Ingram*

**[P]SB248 Virginia Retirement System; technical amendments.** Makes technical amendments to Title 51.1, Pensions, Benefits, and Retirement, including clarifying that medical boards may be composed of not only physicians but also other health care professionals and that the only federal civilian service eligible to be purchased as membership credit is full-time service. This bill is identical to HB 846.

*Patron - Dance*

Failed

**[F]HB66 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 not apply to any local school division employee who retired on disability prior to July 1, 2018, if this measure would reduce the monthly credit currently payable to such former member. Eligible employees who retired prior to July 1, 2018, 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*

**[E]HB863 Virginia Retirement System; health insurance credits for retired state employees.** Increases annually

the amount of the health insurance credit for retirees who rendered at least 30 years of creditable service in the Virginia Retirement System. The bill increases the credit by the same percentage as any annual post-retirement supplement that is calculated for employees hired on or after July 1, 2010.

*Patron - Ingram*

**[F]HB1326 Virginia Retirement System; E-911 dispatchers.** Adds E-911 dispatchers to the list of local employees eligible to receive enhanced retirement benefits similar to those provided to State Police officers.

*Patron - Reid*

**[F]HB1392 Judges; eligibility to serve.** Provides that no person who would be subject to mandatory retirement under the provisions of the Judicial Retirement System shall be eligible to serve as a judge, justice, or substitute judge.

*Patron - Campbell*

**[F]SB321 Virginia Retirement System; health insurance credits for retired state employees.** Increases annually the amount of the health insurance credit for retirees who rendered at least 30 years of creditable service in the Virginia Retirement System. The bill increases the credit by the same percentage as any annual post-retirement supplement that is calculated for employees hired on or after July 1, 2010. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Ruff*

**[F]SB691 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. The bill makes conservation officers eligible to accrue retirement benefits under the Virginia Law Officers' Retirement System only for creditable service on and after July 1, 2018.

*Patron - Deeds*

## Carried Over

**[C]SB498 Retirement benefits for local law-enforcement officers; participation by certain political subdivisions.** Requires a locality that participates in the Virginia Retirement System and that has two or fewer public safety officers eligible for supplemental retirement benefits to provide such benefits for such employees. The Commonwealth would fund one-half the cost of such supplement for those counties and cities.

*Patron - Carrico*

## Persons with Disabilities

### Passed

**[P]HB916 Long-Term Employment Support Services and Extended Employment Services.** Requires the Department for Aging and Rehabilitative Services to administer Long-Term Employment Support Services and Extended Employment Services to assist individuals with disabilities with maintaining employment. This bill is identical to SB 560.

*Patron - Landes*

**[P]HB1061 Blind or vision impaired; rehabilitative manufacturing and service industries; sales of goods.** Updates terminology regarding manufacturing and service industries operated by the Department for the Blind and Vision Impaired for the employment of individuals who are blind or vision impaired.

*Patron - Tran*

**[P]SB560 Long-Term Employment Support Services and Extended Employment Services.** Requires the Department for Aging and Rehabilitative Services to administer Long-Term Employment Support Services and Extended Employment Services to assist individuals with disabilities with maintaining employment. This bill is identical to HB 916.

*Patron - Hanger*

### Failed

**[F]SB199 Rights of persons with disabilities; procedures for certain actions; notice and opportunity to cure.** Provides that before bringing a civil action based on the failure to remove an architectural barrier, as defined in the bill, to access into an existing public accommodation, the aggrieved person shall provide to the owners or operators a written notice that (i) provides the name of the individual alleging a failure to remove the architectural barrier; (ii) provides the date, place, and manner in which the aggrieved person discovered the alleged violation; (iii) cites the law alleged to be violated; (iv) identifies each architectural barrier that is the subject of an alleged violation and specifies its location on the premises; and (v) provides a reasonable period for response, which shall not be less than 60 days after receipt of notice. The bill prohibits the aggrieved person from including in the notice a request or demand for money or an offer or agreement to accept money but provides that such notice may offer to engage in settlement negotiations before litigation. The owner or operator may submit to the aggrieved person within the time period either a notice of the correction describing each correction and the manner in which the correction addresses the alleged violation or a notice of explanation if the owner or operator concludes that an alleged violation has not occurred and that a correction is not necessary. The bill defines "aggrieved person" as a person with a disability who patronized or attempted to patronize a public accommodation, encountered a barrier to his access to the public accommodation, and experienced denial of access to the public accommodation based on his disability.

*Patron - DeSteph*

## Police (State)

### Passed

**[P]HB260 Virginia Critically Missing Adult Alert Program.** Creates a program for local, regional, or statewide notification of a critically missing adult, defined as an adult whose whereabouts are unknown, who is believed to have been abducted, and whose disappearance poses a credible threat to his health and safety.

*Patron - Jones, J.C.*

### Failed

**[F]HB32 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]HB938 Department of State Police; establishment of cold case searchable database.** Provides that the Superintendent of State Police may establish and maintain a cold case searchable electronic database including unsolved homicide, missing person, and unidentified person cases that shall be available to the public through the Department's official website. The searchable database may include interactive elements

consisting of (i) the type of case, (ii) the location of the crime, (iii) the investigating law-enforcement agency name, and (iv) the year the crime occurred.

*Patron - Roem*

## Prisons and Other Methods of Correction

### Passed

**[P]HB83 Feminine hygiene products; no cost to female prisoners or inmates.** Directs the State Board of Corrections and the Director of the Department of Corrections to each adopt and implement a standard to ensure the provision of feminine hygiene products to female prisoners and inmates without charge. This bill received Governor's recommendations.

*Patron - Kory*

**[P]HB301 Disclosure of health records; state and local correctional facilities.** Clarifies that disclosure of health records of a person committed to a state, local, or regional correctional facility to such facility is not subject to general provisions governing disclosure of health records but is subject to provisions specific to persons committed to such facilities. The bill also provides that the person in charge of a correctional facility or his designee is entitled to obtain from a health care provider medical records concerning a person committed to such facility.

*Patron - Watts*

**[P]HB322 Possession and administration of naloxone.** Adds employees of the Department of Corrections who are designated as probation and parole officers or correctional officers to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program.

*Patron - Bourne*

**[P]HB797 Electronic visitation; state correctional facilities.** Authorizes the Director of the Department of Corrections to prescribe reasonable rules regarding electronic visitation systems and the collection of fees for the use of such systems. The bill provides that any facility that uses such a system shall not prohibit in-person visitation.

*Patron - Hope*

**[P]SB36 Weekend jail time.** Allows courts, for good cause and absent objection by the Commonwealth, to impose non-consecutive or weekend jail time for defendants convicted of a misdemeanor, a traffic offense, any offense under Chapter 5 (§ 20-61 et seq.) of Title 20, or a felony that is not an act of violence as defined in § 19.2-297.1, provided that the active portion of the sentence remaining to be served is 45 days or less. Under current law, the imposition of nonconsecutive or weekend jail time is limited to defendants convicted of a misdemeanor, a traffic offense, or any offense under Chapter 5 (§ 20-61 et seq.) of Title 20.

*Patron - Stanley*

### Failed

**[F]HB100 Method of execution; lethal injection drugs.** Eliminates the provision making the identities of (i) any pharmacy or outsourcing facility that enters into a contract with the Department of Corrections for the compounding of drugs necessary to carry out an execution by lethal injection, (ii) any officer or employee of such pharmacy or outsourcing facility, and (iii) any person or entity used by such pharmacy or outsourcing facility to facilitate the compounding of such drugs

confidential, exempt from the Freedom of Information Act (§ 2.2-3700 et seq.), and not subject to discovery or introduction as evidence in any civil proceeding unless good cause is shown.

*Patron - Simon*

**[F]HB108 Correctional officers; survey upon resignation, etc.; report.** Requires the Director of the Department of Corrections to submit an annual report to the Governor and the General Assembly on the results of the survey administered to 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.*

**[F]HB444 Parole Board; personal interviews of prisoners.** Requires that at least two members of the Parole Board personally interview any prisoner eligible for parole who has served at least 20 years of his sentence and has no record of institutional violations within the five years immediately preceding the Board's review.

*Patron - Carroll Foy*

**[F]HB795 Isolated confinement in prisons prohibited; exceptions.** Prohibits placing an inmate who is a member of a vulnerable population, defined in the bill, in isolated confinement, also defined in the bill, or placing any inmate in isolated confinement for more than 15 consecutive days or 20 days in a 60-day period, unless (i) there is a facility-wide lockdown, (ii) isolated confinement is necessary because of a risk of harm to the inmate or others, (iii) the inmate is placed in medical isolation, or (iv) the inmate is placed in voluntary protective custody. The bill requires the Department of Corrections to implement policies and procedures regarding the use of isolated confinement, including training standards for its personnel, and to report to the Governor and the General Assembly on a semiannual basis on the use of isolated confinement. The bill also directs the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century to study the prevalence of mental illness in jails and submit its findings and recommendations to the Governor and the General Assembly by December 1, 2019.

*Patron - Hope*

**[F]HB934 Medical and mental health treatment of prisoners incapable of giving consent.** Establishes a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner in such facility who is incapable of giving informed consent for such treatment. The process parallels the existing process for the Director of the Department of Corrections to seek authorization to provide involuntary treatment to prisoners in state correctional facilities. The bill provides that the treatment ordered may be provided within a local or regional correctional facility if such facility is licensed to provide such treatment. If statutory procedures are followed, the service provider does not have liability based on lack of consent or lack of capacity to consent unless there is injury or death resulting from gross negligence or willful and wanton misconduct.

*Patron - Hope*

**[F]HB1133 Medical and mental health treatment of prisoners incapable of giving consent.** Establishes a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner in such facility who is incapable of giving informed consent for such treatment. The process parallels the existing process for the Director of the Department of Corrections to seek authorization to provide involuntary treatment to prisoners in state correctional facilities. The bill provides that the treatment ordered may be provided within a local or regional correctional facility if such facility is licensed to provide such treatment.

*Patron - Rasoul*

**[F]HB1243 Parole Board; parole review; sentencing guidelines.** Requires the Parole Board to base its parole decision for any person eligible and under consideration for and seeking parole for whom the Virginia Criminal Sentencing Commission has determined, or who otherwise demonstrates, that his time served has exceeded the midpoint of the sentencing guidelines solely on relevant post-sentencing information, including the person's history, character, and conduct while in prison.

*Patron - Sickles*

**[F]HB1314 Parole; exception to 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*

**[F]SB239 Juvenile offenders; parole.** Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentence, and any person who has active sentences that total more than 25 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentences, shall be eligible for parole. This bill was incorporated into SB 890.

*Patron - Marsden*

**[F]SB296 Medical and mental health treatment of prisoners incapable of giving consent.** Establishes a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner in such facility who is incapable of giving informed consent for such treatment. The process parallels the existing process for the Director of the Department of Corrections to seek authorization to provide involuntary treatment to prisoners in state correctional facilities. The bill provides that the treatment ordered may be provided within a local or regional correctional facility if such facility is licensed to provide such treatment.

*Patron - Edwards*

**[F]SB342 Compensation of local jails for costs of incarceration.** Provides that a jail be compensated for the housing of a convicted felon based on the actual costs of incarceration and that a felon not be moved to a jail until an agreement to pay actual costs has been reached between the Department of Corrections and the locality or regional authority. Current law requires that jails be compensated as provided for in the general appropriation act.

*Patron - Peake*

**[F]SB827 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*

**[F]SB890 Juvenile offenders; parole.** Provides that any person sentenced to a term of life imprisonment for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentence, and any person who has active sentences that total more than 25 years for a single felony offense or multiple felony offenses committed while that person was a juvenile and who has served at least 25 years of such sentences, shall be eligible for parole. This bill incorporates SB 239.

*Patron - Wagner*

## Professions and Occupations

### Passed

**[P]HB26 Pawnbrokers; allowable late fees.** Provides that a pawnbroker may charge a late fee, not to exceed 10 percent of the amount loaned, for each item that is not claimed by the pledged due date as long as the pawner is notified of the fee on the pawn ticket.

*Patron - Bell, Richard P.*

**[P]HB101 Board for Contractors; tradesmen licenses; expiration date.** Provides that licenses for tradesmen shall expire three years from the date of issuance by the Board for Contractors. The bill requires the Board to sync the expiration date of a tradesman license, which is currently on a two-year cycle, to updates to the Uniform Statewide Building Code, which are typically on a three-year cycle.

*Patron - Head*

**[P]HB164 Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement.** Removes the requirement that a building permit applicant's written statement that he is not subject to licensure or certification as a contractor or subcontractor be supported by an affidavit. The bill contains technical amendments and is identical to SB 529.

*Patron - Yancey*

**[P]HB206 Pawnbrokers; digital image of forms of identification.** Eliminates the requirement that pawnbrokers create a digital image of the form of identification used if the form of identification is a United States military issued identification or other form of identification included under 18 U.S.C. § 701. The bill requires the person involved in the transaction to present an alternate government-issued identification card bearing the photograph of such person or the pawnbroker to take a photograph of such person.

*Patron - Bell, Richard P.*

**[P]HB226 Medically or ethically inappropriate care not required.** Establishes a process whereby a physician may cease to provide health care that has been determined to be medically or ethically inappropriate for a patient. This bill is identical to SB 222.

*Patron - Stolle*

**[P]HB313 Prescription Monitoring Program; prescriber and dispenser patterns.** Requires the Director of the Department of Health Professions to annually review controlled substance prescribing and dispensing patterns. The bill requires the Director to conduct such review in consultation with an advisory panel consisting of representatives from the relevant health regulatory boards, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services. The bill requires the Director to make any necessary changes to the criteria for unusual patterns of prescribing and dispensing and report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year. This bill is identical to SB 728.

*Patron - Head*

**[P]HB439 Professions and occupations; Real Estate Board; licensees; translation of real estate documents.** Provides that if a party to a real estate transaction requests translation of a contract or other real estate document from the English language to another language, a real estate licensee may assist such party in obtaining a translator or may refer such party to an electronic translation service and that, in doing so, the licensee shall not be deemed to have breached any of his obligations as a real estate licensee or otherwise become

liable for any inaccuracies in the translation. The bill provides that a licensee shall not charge a fee for such assistance or referral. This bill is identical to SB 528.

*Patron - Bulova*

**HB520 Board of Pharmacy; nonresident warehouse and nonresident third-party logistics providers.** Requires warehouse or third-party logistics providers that are located outside the Commonwealth and that ship prescription drugs or devices into the Commonwealth to register with the Board of Pharmacy. The bill requires such nonresident warehouses and nonresident third-party logistics providers to maintain a license, permit, or registration in the resident state and to retain records in a certain manner. The bill authorizes the Board of Pharmacy to promulgate regulations related to the storage, handling, and distribution of prescription drugs or devices by nonresident warehouses and nonresident third-party logistics providers.

*Patron - Hodges*

**HB523 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; membership.** Adds two nonlegislative citizen members to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. This bill received Governor's recommendations.

*Patron - Lindsey*

**HB533 Professions and occupations; qualifications for licensure; acceptance of substantially equivalent military training, education, and experience.** Directs the Department of Veterans Services to take steps to promote awareness among veterans of the acceptance of substantially equivalent military training, education, or experience by the Department of Professional and Occupational Regulation, the Department of Health Professions, or any other board named in Title 54.1 (Professions and Occupations).

*Patron - Freitas*

**HB555 Professions and occupations; hair braiding.** Clarifies that hair braiding is not a practice included under the definition of "cosmetology."

*Patron - Freitas*

**HB614 Practice of social work.** Provides that the Board of Social Work may license baccalaureate social workers, master's social workers, and clinical social workers, as those terms are defined, and may register persons proposing to obtain supervised post-degree experience in the practice of social work.

*Patron - Price*

**HB732 Department of Professional and Occupational Regulation; contractors; prohibited acts.** Provides that a construction contract entered into by a person undertaking work without a valid Virginia contractor's license shall not be enforceable by the unlicensed contractor undertaking the work unless the unlicensed contractor (i) gives substantial performance within the terms of the contract in good faith and (ii) did not have actual knowledge that a license or certificate was required to perform the work for which he seeks to recover payment. This bill is identical to SB 478.

*Patron - Hodges*

**HB752 Public accountants; issuance, renewal, and reinstatement of licenses.** Changes from every 12 months to a time period set by the Board of Accountancy the renewal requirement for licenses granted to provide the license holder the privilege of using the CPA title. The bill provides that any such license issued between the effective date of the bill and June 30, 2018, shall expire on June 30, 2019. The bill contains an emergency clause and is identical to SB 428.

*Patron - Leftwich*

**HB790 Licensed barbers and cosmetologists; exemptions.** Exempts persons working in a barbershop or cosmetology salon whose duties are confined to blow drying, cleansing, and styling hair from being required to obtain an occupational license.

*Patron - Keam*

**HB793 Nurse practitioners; practice agreements.** Eliminates the requirement for a practice agreement with a patient care team physician for a licensed nurse practitioner who has completed the equivalent of at least five years of full-time clinical experience and submitted an attestation from his patient care team physician stating (i) that the patient care team physician has served as a patient care team physician on a patient care team with the nurse practitioner pursuant to a practice agreement; (ii) that while a party to such practice agreement, the patient care team physician routinely practiced with a patient population and in a practice area included within the category for which the nurse practitioner was certified and licensed; and (iii) the period of time for which the patient care team physician practiced with the nurse practitioner under such a practice agreement. The bill requires that a nurse practitioner authorized to practice without a practice agreement (a) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (b) consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and (c) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers. The bill requires (1) the Boards of Medicine and Nursing to jointly promulgate regulations governing the practice of nurse practitioners without a practice agreement; (2) the Department of Health Professions, by November 1, 2020, to report to the General Assembly a process by which nurse practitioners who practice without a practice agreement may be included in the online Practitioner Profile maintained by the Department of Health Professions; and (3) the Boards of Medicine and Nursing to report information related to the practice of nurse practitioners without a practice agreement that includes certain data, complaints and disciplinary actions, and recommended modifications to the provisions of this bill to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health and the Chairman of the Joint Commission on Health Care by November 1, 2021.

*Patron - Robinson*

**HB842 Possession or distribution of controlled paraphernalia; hypodermic needles and syringes; naloxone.** Provides that a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy may dispense or distribute hypodermic needles and syringes in conjunction with such dispensing of naloxone and that a person to whom naloxone has been distributed by such individual may possess hypodermic needles and syringes in conjunction with such possession of naloxone. The bill also allows the dispensing or distributing of hypodermic needles and syringes by persons authorized to dispense naloxone. The bill contains an emergency clause.

*Patron - LaRock*

**HB854 Practice of polysomnographic technology; licensure; students or trainees.** Provides that a student enrolled in an educational program in polysomnographic technology or a person engaged in a traineeship does not require a license to practice polysomnographic technology, provided that such student or trainee is under the direct supervision of a licensed polysomnographic technologist or a licensed doctor of medicine or osteopathic medicine. The bill requires any such student or trainee to be identified to patients as a student or



trainee in polysomnographic technology. The bill also provides that any such student or trainee is required to have a license to practice after 18 months from the start of the educational program or traineeship or six months from the conclusion of such program or traineeship, whichever is earlier.

*Patron - Peace*

**HB862 Professions and occupations; real estate licenses; real estate teams.** Requires real estate teams as defined in the bill to obtain a business entity salesperson's license from the Real Estate Board (the Board). The bill requires a principal broker to obtain a branch office license from the Board for each place of business maintained by such principal broker within the Commonwealth. The bill also expands the responsibilities of supervising brokers as defined in the bill and requires that as a condition of the renewal of a branch office license, the supervising broker shall provide to the Board the name and license number of each real estate licensee affiliated with the branch office at the time of the renewal. The bill has a delayed effective date of January 1, 2019. This bill is identical to SB 758.

*Patron - Peace*

**HB864 Real Estate Board; powers and duties; escrow funds; education.** Establishes notice provisions and required procedures to be followed in the case of escrow funds held by a real estate broker in the event of termination of a real estate purchase contract. In addition, the bill requires that the curricula for new licensees of the Real Estate Board include real estate-related finance as one of the topics and requires the Board to establish guidelines for a post-license educational curriculum for real estate salespersons consisting of at least 30 hours of instruction to be completed within one year from the last day of the month in which the initial license was issued. The bill (i) adds to the curriculum for broker continuing education courses the requirement that at least two hours of instruction include an overview of broker supervision requirements under Virginia law and Board regulations and (ii) provides for the Board to develop a form for signature by the parties to a real estate transaction that advises the purchaser to review the residential property disclosure statement on the Board's website. The bill also clarifies that the Board is required to make the disclosure form mandated by the Virginia Residential Property Disclosure Act (§ 55-517 et seq.) available on the Board's website. Provisions of the bill amending the curriculum and instruction requirements have a delayed effective date of January 1, 2019. This bill is identical to SB 514.

*Patron - Ingram*

**HB875 Veterinarians; compounding of drugs.** Increases the quantity, from a 72-hour supply to a seven-day supply, of a compounded drug that a veterinarian may dispense to the owner of a companion animal for which the veterinarian is providing treatment.

*Patron - Orrock*

**HB878 Delivery of Schedule VI prescription devices.** Provides that a permitted manufacturer, wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider or registered nonresident manufacturer or nonresident wholesale distributor (the provider) may deliver a Schedule VI prescription device directly to an ultimate user or consumer, provided that the provider is delivering on behalf of and has entered into an agreement with (i) a medical equipment supplier that has received a valid order from a prescriber authorizing the dispensing of the Schedule VI prescription device or (ii) a medical director of a home health agency, nursing home, assisted living facility, or hospice who has requested the distribution of the Schedule VI prescription device to be administered by persons authorized to administer such devices. The bill directs the Board of Pharmacy to promulgate regulations to implement the provisions of the measure within 280 days. This bill is identical to SB 413.

*Patron - Orrock*

**HB915 Military medical personnel program; supervision.** Directs the Department of Veterans Services to establish a program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine or nursing under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program, or his designee who is licensed by the Board of Medicine and supervising within his scope of practice. The bill allows the chief medical officer of an organization participating in such program to, in consultation with the chief nursing officer of such organization, designate a registered nurse licensed by the Board of Nursing or practicing with a multistate licensure privilege to supervise military personnel participating in such program while engaged in the practice of nursing. This bill is identical to SB 829.

*Patron - Stolle*

**HB1054 Prescription requirements; treatment of sexually transmitted disease.** Allows a practitioner employed by the Department of Health to prescribe antibiotic therapy to the sexual partner of a patient diagnosed with a sexually transmitted disease without the physical examination normally required. The bill also requires the Commissioner of Health to convene a workgroup consisting of Department of Health staff and private practitioners to evaluate services provided by the Department of Health pursuant to the bill and to make appropriate recommendations for the use of expedited partner therapy in Virginia. The Commissioner shall report to the Secretary of Health and Human Resources concerning his findings and recommendations by July 1, 2019. The bill contains organizational and technical amendments. The bill has an expiration date of July 1, 2020.

*Patron - Herring*

**HB1071 Health regulatory boards; license renewal; electronic notice.** Provides that the Board of Funeral Directors and Embalmers, the Board of Medicine, and the Board of Nursing may send notices for license renewal electronically.

*Patron - Heretick*

**HB1114 Professional and occupational regulation; authority to suspend or revoke licenses, certificates, registrations, or permits; default or delinquency of education loan or scholarship.** Provides that the Department of Professional and Occupational Regulation, the Department of Health Professions, the Board of Accountancy, and the Board of Education shall not be authorized to suspend or revoke the license, certificate, registration, permit, or authority it has issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.

*Patron - VanValkenburg*

**HB1173 Limits on prescription of controlled substances containing opioids.** Eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The bill has an expiration date of July 1, 2022. This bill is identical to SB 632.

*Patron - Pillion*

**HB1194 Schedule I controlled substances.** Adds drugs to the list of Schedule I controlled substances.

*Patron - Garrett*

**HB1251 CBD oil and THC-A oil; certification for use; dispensing.** Provides that a practitioner may issue a written certification for the use of cannabidiol (CBD) oil or THC-A

oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The bill increases the supply of CBD oil or THC-A oil a pharmaceutical processor may dispense from a 30-day supply to a 90-day supply. The bill reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil, respectively. As introduced, this bill was a recommendation of the Joint Commission on Health Care. The bill contains an emergency clause. This bill is identical to SB 726.

*Patron - Cline*

**[P]HB1303 Prescribing controlled substances; veterinarian-client-patient relationship.** Provides that a veterinarian shall not prescribe medication unless a bona fide veterinarian-client-patient relationship exists and establishes the requirements for a bona fide veterinarian-client-patient relationship.

*Patron - Garrett*

**[P]HB1375 Definition of qualified mental health professional.** Broadens the definition of "qualified mental health professional" to include employees and independent contractors of the Department of Corrections who by education and experience are professionally qualified and registered by the Board of Counseling to provide collaborative mental health services. This bill is identical to SB 812.

*Patron - Tyler*

**[P]HB1377 Possession and administration of epinephrine; outdoor educational programs.** Provides that an employee of an organization that provides outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine and provides liability protection for such employees.

*Patron - Torian*

**[P]HB1378 Registration of surgical assistants; renewal of registration.** Provides that in cases in which a surgical assistant was initially registered on the basis of a credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting, the National Surgical Assistant Association, or the National Commission for the Certification of Surgical Assistants or a successor thereof, the surgical assistant must attest that such credential is still current upon applying for renewal of his registration as a surgical assistant.

*Patron - Robinson*

**[P]HB1383 Marriage and family therapy; appraisal.** Defines "marriage and family therapy" as the "appraisal and treatment" of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques and delivery of services to individuals, couples, and families, singularly or in groups, for the purpose of treating such disorders. Under current law, "marriage and family therapy" is defined as the "assessment and treatment" of such disorders.

*Patron - Rodman*

**[P]HB1453 Real estate appraisers; evaluations.** Changes the definition of "evaluation" from an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property to an opinion of the market value of real property or real estate that may be utilized in connection with a real estate-related financial transaction where an appraisal by a state-certified or state-licensed appraiser is not required by the state or federal financial institution's regulatory agency engaging in, contracting for, or regulating such real estate-related financial transaction or regulating the financial institution or lender

engaged in or about to engage in such real estate-related financial transaction. The bill requires that an evaluation meet the format requirements of the federal Interagency Appraisal and Evaluation Guidelines, include sufficient information in clear and understandable language to allow a person to understand the opinion of the market value of real property or real estate, and contain the statement: "This is not an appraisal performed in accordance with the Uniform Standards of Professional Appraisal Practice."

*Patron - Ware*

**[P]HB1506 Professions and occupations; appraisal management companies.** Amends the definition of appraisal management company and adds definitions for appraisal management services and appraiser panel. The bill also requires applicants for an appraisal management company license to certify to the Virginia Real Estate Appraiser Board that any person or entity that owns any part of the appraisal management company has never had a license to act as an appraiser refused, denied, canceled, surrendered in lieu of revocation, or revoked by the Commonwealth or any other state. Current law only requires such applicants to provide such certification regarding any person or entity that owns 10 percent or more of the appraisal management company. This bill is identical to SB 979.

*Patron - Bell, Richard P.*

**[P]HB1524 Board of Medicine; regulations related to retention of patient records; time.** Requires health care practitioners licensed by the Board of Medicine to maintain health records for a minimum of six years following the last patient encounter. The bill also provides that practitioners are not required to maintain health records for longer than 12 years from the date of creation except for (i) health records of a minor child, which shall be maintained until the patient reaches the age of 18 or becomes emancipated, with a minimum of six years following the last patient encounter, and (ii) health records that are required by contractual obligation or federal law to be maintained longer.

*Patron - Ingram*

**[P]HB1554 Department of Professional and Occupational Regulation; Board for Barbers and Cosmetology; license requirements.** Creates the occupational title of master barber and requires the Board for Barbers and Cosmetology to issue a license to practice as a master barber, defined in the bill, to any individual licensed as a barber prior to December 8, 2017, and to an applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board. The bill contains an emergency clause. This bill is identical to SB 906.

*Patron - Pillion*

**[P]HB1556 Prescription Monitoring Program; covered substances.** Adds controlled substances included in Schedule V for which a prescription is required and naloxone to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program. This bill is identical to SB 832.

*Patron - Pillion*

**[P]SB210 Virginia State Bar; Clients' Protection Fund; sunset.** Extends from July 1, 2020, to July 1, 2023, the sunset provision on the Supreme Court's authority to adopt rules assessing members of the Virginia State Bar an annual fee of up to \$25 to be deposited in the Clients' Protection Fund.

*Patron - Stuart*

**[P]SB226 Prescription Monitoring Program; veterinarians.** Requires veterinarians who dispense controlled substances to report certain information about the animal and the owner of the animal to the Prescription Monitoring Program (PMP).

*Patron - Stanley*

**SB258 Department of Health Professions; subpoenas.** Provides that a subpoena issued by the Director of the Department of Health Professions or his designee may be delivered by (i) any person authorized to serve process under § 8.01-293, (ii) investigative personnel appointed by the Director, (iii) registered or certified mail or by equivalent commercial parcel delivery service, or (iv) email or facsimile if requested to do so by the recipient. The bill provides that upon failure of any person to comply with a subpoena, the Director may request that the Attorney General or the attorney for the Commonwealth for the jurisdiction in which the recipient of the subpoena resides, is found, or transacts business seek enforcement of the subpoena.

*Patron - Petersen*

**SB315 Hearing aid specialists; exemptions for the sale of hearing aids.** Allows licensed audiologists who have earned a doctoral degree in audiology to obtain a license to engage in the practice of fitting or dealing in hearing aids without the prerequisite of being required to pass an examination. The bill defines "audiologist" and "practice of audiology."

*Patron - Ruff*

**SB328 Common Interest Community Board; disclosure packets; registration of associations.** Requires the Common Interest Community Board to include information specifying the period or length of declarant control in its current one-page form that accompanies association disclosure packets that are required to be provided to all prospective purchasers of lots located within a development that is subject to the Virginia Property Owners' Association Act. With a delayed effective date of July 1, 2019, the bill also requires, unless control of the association of the development has been transferred to the members, that the developer register the association with the Common Interest Community Board within 30 days after recordation of the declaration and file required reports thereafter.

*Patron - Dunnivant*

**SB330 CBD and THC-A oil.** Adds cannabidiol oil (CBD oil) or THC-A oil to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program. The bill requires a practitioner, prior to issuing a written certification for CBD oil or THC-A oil to a patient, to request information from the Director of the Department of Health Professions for the purpose of determining what other covered substances have been dispensed to the patient.

The bill requires the Board of Pharmacy to (i) promulgate regulations that include a process for registering CBD oil and THC-A oil products and (ii) require an applicant for a pharmaceutical processor permit to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for a criminal history record search. The bill requires a pharmacist or pharmacy technician, prior to the initial dispensing of each written certification, to (a) make and maintain for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; (b) view a current photo identification of the patient, parent, or legal guardian; and (c) verify current board registration of the practitioner and the corresponding patient, parent, or legal guardian. The bill requires that, prior to any subsequent dispensing of each written certification, the pharmacist, pharmacy technician, or delivery agent view the current written certification; a current photo identification of the patient, parent, or legal guardian; and the current board registration issued to the patient, parent, or legal guardian.

Finally, the bill requires a pharmaceutical processor to ensure that the percentage of tetrahydrocannabinol in any THC-A oil on site is within 10 percent of the level of tetrahydrocannabinol

measured for labeling and to establish a stability testing schedule of THC-A oil.

*Patron - Dunnivant*

**SB413 Delivery of Schedule VI prescription devices.** Provides that a permitted manufacturer, wholesale distributor, warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics provider or registered nonresident manufacturer or nonresident wholesale distributor (the provider) may deliver a Schedule VI prescription device directly to an ultimate user or consumer, provided that the provider is delivering on behalf of and has entered into an agreement with (i) a medical equipment supplier that has received a valid order from a prescriber authorizing the dispensing of the Schedule VI prescription device or (ii) a medical director of a home health agency, nursing home, assisted living facility, or hospice who has requested the distribution of the Schedule VI prescription device to be administered by persons authorized to administer such devices. The bill directs the Board of Pharmacy to promulgate regulations to implement the provisions of the measure within 280 days. This bill is identical to HB 878.

*Patron - McDougle*

**SB428 Public accountants; issuance, renewal, and reinstatement of licenses.** Changes from every 12 months to a time period set by the Board of Accountancy the renewal requirement for licenses granted to provide the license holder the privilege of using the CPA title. The bill provides that any such license issued between the effective date of the bill and June 30, 2018, shall expire on June 30, 2019. The bill contains an emergency clause. This bill is identical to HB 752.

*Patron - Barker*

**SB478 Department of Professional and Occupational Regulation; contractors; prohibited acts.** Provides that a construction contract entered into by a person undertaking work without a valid Virginia contractor's license shall not be enforceable by the unlicensed contractor undertaking the work unless the unlicensed contractor (i) gives substantial performance within the terms of the contract in good faith and (ii) did not have actual knowledge that a license or certificate was required to perform the work for which he seeks to recover payment. This bill is identical to HB 732.

*Patron - Reeves*

**SB511 Optometry; scope of practice.** Provides that the practice of optometry includes the evaluation, examination, diagnosis, and treatment of abnormal or diseased conditions of the human eye and its adnexa by the use of medically recognized and appropriate devices, procedures, or technologies but that it does not include treatment through surgery, including laser surgery, other invasive modalities, or the use of injections, except for certain injections by TPA-certified optometrists and for the treatment of emergency cases of anaphylactic shock with intramuscular epinephrine. The bill authorizes a TPA-certified optometrist to administer therapeutic pharmaceutical agents by injection for the treatment of chalazia by means of an injection of a steroid included in Schedule VI controlled substances, provided that the optometrist provides written evidence that he has completed certain training requirements to the Board of Optometry.

*Patron - Suetterlein*

**SB514 Real Estate Board; powers and duties; escrow funds; education.** Establishes notice provisions and required procedures to be followed in the case of escrow funds held by a real estate broker in the event of termination of a real estate purchase contract. In addition, the bill requires that the curricula for new licensees of the Real Estate Board (the Board) include real estate-related finance as one of the topics and requires the Board to establish guidelines for a post-license educational curriculum for real estate salespersons consisting of at least 30 hours of instruction to be completed within one year from the last day of the month in which the initial license was issued. The bill (i) adds to the curriculum for broker continuing education courses the requirement that at least two

hours of instruction include an overview of broker supervision requirements under Virginia law and Board regulations and (ii) requires the Board to develop a form to be signed by the parties to a real estate transaction to acknowledge that the purchaser has been advised to review the residential property disclosure statement on the Board's website. The bill also clarifies that the Board is required to make available on its website the disclosure form mandated by the Virginia Residential Property Disclosure Act (§ 55-517 et seq.). Provisions of the bill amending the curriculum and instruction requirements have a delayed effective date of January 1, 2019. This bill is identical to HB 864.

*Patron - Suetterlein*

**SB528 Professions and occupations; Real Estate Board; licensees; translation of real estate documents.** Provides that if a party to a real estate transaction requests translation of a contract or other real estate document from the English language to another language, a real estate licensee may assist such party in obtaining a translator or may refer such party to an electronic translation service and that, in doing so, the licensee shall not be deemed to have breached any of his obligations as a real estate licensee or otherwise become liable for any inaccuracies in the translation. The bill provides that a licensee shall not charge a fee for such assistance or referral. This bill is identical to HB 439.

*Patron - Mason*

**SB529 Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement.** Removes the requirement that a building permit applicant's written statement that he is not subject to licensure or certification as a contractor or subcontractor be supported by an affidavit. The bill contains technical amendments. This bill is identical to HB 164.

*Patron - Mason*

**SB544 Prescription drug donation program.** Requires that the existing prescription drug donation program regulated by the Board of Pharmacy accept eligible prescription drugs from individuals, including those residing in nursing homes, assisted living facilities, or intermediate care facilities established for individuals with intellectual disability (ICF/IID), licensed hospitals, any facility operated by the Department of Behavioral Health and Developmental Services, from an agent pursuant to a power of attorney, a decedent's personal representative, a legal guardian of an incapacitated person, and a guardian ad litem donated on behalf of the represented individual. The bill also provides liability protection for those who donate, accept, and dispense such unused drugs.

*Patron - Obenshain*

**SB569 Department of Professional and Occupational Regulation; Board for Contractors; exemption from licensure.** Exempts from licensure any person who is performing work directly under the supervision of a licensed contractor and is (i) a student in good standing and enrolled in a public or private institution of higher education, (ii) a student enrolled in a career training or technical education program, or (iii) an apprentice. The bill expands a current exemption from licensure for work undertaken by a person providing construction, remodeling, repair, improvement, removal, or demolition on behalf of a properly licensed contractor by raising the value threshold from \$2,500 or less to \$5,000 or less per project and by adding a home improvement building contractor classification to the list of valid licenses the supervising contractor may hold.

*Patron - DeSteph*

**SB632 Limits on prescription of controlled substances containing opioids.** Eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is

not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The bill has an expiration date of July 1, 2022. This bill is identical to HB 1173.

*Patron - Dunnivant*

**SB726 CBD oil and THC-A oil; certification for use; dispensing.** Provides that a practitioner may issue a written certification for the use of cannabidiol (CBD) oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The bill increases the supply of CBD oil or THC-A oil a pharmaceutical processor may dispense from a 30-day supply to a 90-day supply. The bill reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil, respectively. As introduced, this bill was a recommendation of the Joint Commission on Health Care. The bill contains an emergency clause. This bill incorporates SB 597, SB 788, and SB 795 and is identical to HB 1251.

*Patron - Dunnivant*

**SB728 Prescription Monitoring Program; prescriber and dispenser patterns.** Requires the Director of the Department of Health Professions to annually review controlled substance prescribing and dispensing patterns. The bill requires the Director to conduct such review in consultation with an advisory panel consisting of representatives from the relevant health regulatory boards, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services. The bill requires the Director to make any necessary changes to the criteria for unusual patterns of prescribing and dispensing and report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year. This bill is identical to HB 313.

*Patron - Dunnivant*

**SB735 Prescription Monitoring Program; disclosure of information; Department of Medical Assistance Services.** Allows the Director of the Department of Health Professions to disclose information about a specific recipient of covered substances who is a recipient of medical assistance services to a physician or pharmacist licensed in the Commonwealth or his designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Department of Medical Assistance Services, for the purpose of determining eligibility for and managing the care of the recipient in a Patient Utilization Management Safety or similar program.

*Patron - Dunnivant*

**SB758 Professions and occupations; real estate licenses; real estate teams.** Requires real estate teams as defined in the bill to obtain a business entity salesperson's license from the Real Estate Board (the Board). The bill requires a principal broker to obtain a branch office license from the Board for each place of business maintained by such principal broker within the Commonwealth. The bill also expands the responsibilities of supervising brokers as defined in the bill and requires that as a condition of the renewal of a branch office license, the supervising broker shall provide to the Board the name and license number of each real estate licensee affiliated with the branch office at the time of the renewal. The bill has a delayed effective date of January 1, 2019. This bill is identical to HB 862.

*Patron - Sturtevant*

**SB812 Definition of qualified mental health professional.** Broadens the definition of "qualified mental health professional" to include employees and independent contractors of

the Department of Corrections who by education and experience are professionally qualified and registered by the Board of Counseling to provide collaborative mental health services. This bill is identical to HB 1375.

*Patron - Barker*

**SB829 Military medical personnel program; supervision.** Directs the Department of Veterans Services to establish a program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine or nursing under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program, or his designee who is licensed by the Board of Medicine and supervising within his scope of practice. The bill allows the chief medical officer of an organization participating in such program to, in consultation with the chief nursing officer of such organization, designate a registered nurse licensed by the Board of Nursing or practicing with a multistate licensure privilege to supervise military personnel participating in such program while engaged in the practice of nursing. This bill is identical to HB 915.

*Patron - Barker*

**SB831 Practice of funeral services; sale of certain items.** Provides that when arrangements for funeral services have been made by a licensed funeral service establishment, funeral service licensees shall accept caskets provided by third parties in accordance with federal law.

*Patron - Reeves*

**SB832 Prescription Monitoring Program; covered substances.** Adds controlled substances included in Schedule V for which a prescription is required and naloxone to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program. This bill is identical to HB 1556.

*Patron - Carrico*

**SB882 Prescription refill; approval.** Provides that a prescriber may authorize a registered nurse or licensed practical nurse to approve additional refills of a prescribed drug for no more than 90 consecutive days, provided that (i) the drug is classified as a Schedule VI drug; (ii) there are no changes in the prescribed drug, strength, or dosage; (iii) the prescriber has a current written protocol, accessible by the nurse, that identifies the conditions under which the nurse may approve additional refills; and (iv) the nurse documents in the patient's chart any refills authorized for a specific patient pursuant to the protocol and the additional refills are transmitted to a pharmacist in accordance with the allowances for an authorized agent to transmit a prescription orally or by facsimile pursuant to current law and regulations of the Board of Pharmacy.

*Patron - DeSteph*

**SB906 Department of Professional and Occupational Regulation; Board for Barbers and Cosmetology; license requirements.** Creates the occupational title of master barber and requires the Board for Barbers and Cosmetology to issue a license to practice as a master barber, defined in the bill, to any individual licensed as a barber prior to December 8, 2017, and to an applicant who has successfully (i) completed the educational requirements as required by the Board, (ii) completed the experience requirements as required by the Board, and (iii) passed the examination approved by the Board. The bill contains an emergency clause. This bill is identical to HB 1554.

*Patron - McClellan*

**SB918 Professional and occupational regulation; authority to suspend or revoke licenses, certificates, registrations, or permits; default or delinquency of education loan or scholarship.** Provides that the Board of Education, the Board of Accountancy, and regulatory boards within the Department of Professional and Occupational Regulation and the Department of Health Professions shall not be authorized to

suspend or revoke the license, certificate, registration, permit, or authority issued to any person who is in default or delinquent in the payment of a federal-guaranteed or state-guaranteed educational loan or work-conditional scholarship solely on the basis of such default or delinquency.

*Patron - Ebbin*

**SB979 Professions and occupations; appraisal management companies.** Amends the definition of appraisal management company and adds definitions for appraisal management services and appraiser panel. The bill also requires applicants for an appraisal management company license to certify to the Virginia Real Estate Appraiser Board that any person or entity that owns any part of the appraisal management company has never had a license to act as an appraiser refused, denied, canceled, surrendered in lieu of revocation, or revoked by the Commonwealth or any other state. Current law only requires such applicants to provide such certification regarding any person or entity that owns 10 percent or more of the appraisal management company. This bill is identical to HB 1506.

*Patron - Chafin*

## Failed

**HB78 Department of Professional and Occupational Regulation; waiver of first-time licensing fees for low-income applicants.** Requires any regulatory board within the Department of Professional and Occupational Regulation to waive the initial application fee for any low-income individual applying for any license, certificate, or registration issued by the regulatory board or the Department. The bill defines "low-income individual" as any individual whose gross annual income is less than \$25,000 per year.

*Patron - Yancey*

**HB132 Limits on prescription of controlled substances containing opioids.** Prohibits a prescriber providing treatment for a patient in an emergency department of a corporation, facility, or institution licensed to provide health care from prescribing a controlled substance containing an opioid in a quantity greater than a 10-day supply, as determined in accordance with the prescriber's directions for use. The bill also prohibits a pharmacist from dispensing a controlled substance containing an opioid pursuant to a prescription issued by a prescriber providing treatment to a patient in the emergency department of a corporation, facility, or institution licensed to provide health care unless the prescription complies with the requirements of the bill.

*Patron - Bell, John J.*

**HB148 Prescription Monitoring Program; requirements of prescribers; prescriptions for opioids.** Requires a prescriber to request and review information from the Prescription Monitoring Program prior to issuing a prescription for opioids, including a refill of an existing prescription for opioids. Currently, a prescriber is only required to request information from the Prescription Monitoring Program prior to initiating a new course of treatment that includes the prescribing of opioids anticipated at the onset to last more than seven consecutive days.

*Patron - Rasoul*

**HB169 Lyme disease information disclosure requirement; sunset.** Extends to July 1, 2023, the sunset of the provision requiring disclosure of certain information to a patient when a Lyme disease test is ordered. Under current law, the disclosure requirement will expire on July 1, 2018.

*Patron - Murphy*

**HB184 Dispensing drugs without a prescription.** Authorizes a pharmacist to dispense up to a five-day supply of a Schedule VI drug to an individual who has been displaced from his residence by a natural or man-made disaster; has had

his supply of the drug lost, destroyed, or otherwise rendered unusable as a consequence of the disaster; and is unable to tell the pharmacist the identity of the prescriber or his regular pharmacist or pharmacy. The bill also requires the individual to present evidence sufficient to establish, among other things, that the individual had been in lawful possession of the drug pursuant to a prescription provided to another pharmacist and that his health would be in danger without the benefits of the drug. Before prescribing the drug, the pharmacist is required to determine with a reasonable degree of certainty that the requested drug and dosage level are consistent with the drug and its dosage level that had been prescribed to the individual at the time of his displacement from his residence. During the period for which the drug has been dispensed, the pharmacist is required to diligently attempt to ascertain the identity of the prescriber and the identity of the pharmacist or pharmacy in possession of the prescriber's prescription. Upon obtaining such information, the pharmacist is required to take such additional reasonable action as will permit the individual to obtain a new or renewal prescription and resume obtaining the drug pursuant to his prescription.

*Patron - Hayes*

**HB197 Prescription monitoring program.** Requires pharmacists who dispense Schedule II drugs pursuant to a valid prescription to include the name and government-issued identification number of the person to whom a covered substance was actually delivered in the report submitted to the Prescription Monitoring Program.

*Patron - Mullin*

**HB298 Definition of birth control.** Defines "birth control" as contraceptive methods that are approved by the U.S. Food and Drug Administration and provides that birth control shall not be considered abortion for the purposes of Title 18.2.

*Patron - Watts*

**HB321 Professions and occupations; real estate brokers and salespersons; cease and desist orders for unlicensed activity; civil penalty.** Expands the enforcement options of the Real Estate Board (Board) by giving the Board direct authority to institute proceedings in equity to enjoin any person, partnership, corporation, or any other entity from engaging in unlicensed activity and certain other specifically enumerated unlawful acts. The bill provides that the Board may recover a civil penalty from such person, partnership, corporation, or any other entity of at least \$200 but not more than \$25,000 per violation, with each unlawful act constituting a separate violation. Current law provides that the Board may impose a civil penalty against any person engaging in unlicensed activity not to exceed \$1,000 for any real estate transaction or the compensation received from any such real estate transaction, whichever is higher.

*Patron - Bourne*

**HB333 Prescription Monitoring Program; requirements of prescribers; exceptions.** Provides that a prescriber initiating a new course of treatment to a human patient that includes the prescribing of opioids, anticipated at the onset of treatment to last more than seven consecutive days, shall not be required to request information about the patient from the Prescription Monitoring Program if the purpose of the prescription is the management of pain associated with cancer.

*Patron - Yancey*

**HB363 Sexual orientation change efforts 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 sexual orientation change efforts with any person under 18 years of age. The bill defines "sexual orientation change efforts" 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 attrac-

tions or feelings toward individuals of the same gender. "Sexual orientation change efforts" 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 sexual orientation change efforts, referring a person for sexual orientation change efforts, extending health benefits coverage for sexual orientation change efforts, or awarding a grant or contract to any entity that conducts sexual orientation change efforts or refers individuals for sexual orientation change efforts.

*Patron - Hope*

**HB424 Animal shelters; vaccinations; administration of biological products.** Authorizes the operator or custodian of a public animal shelter to vaccinate animals that are confined in such shelter to prevent the risk of communicable diseases. The bill also provides that a public or private animal shelter may purchase, possess, and administer certain Schedule VI biological products for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter and may administer such biological products only pursuant to written protocols.

*Patron - Levine*

**HB452 Prescription Monitoring Program; requirements of prescribers; exceptions.** Provides that a prescriber initiating a new course of treatment to a human patient that includes the prescribing of opioids, anticipated at the onset of treatment to last more than seven consecutive days, shall not be required to request information about the patient from the Prescription Monitoring Program if the purpose of the prescription is the management of pain associated with fibromyalgia, provided that management of the patient's pain through means other than the prescription of opioids has been unsuccessful.

*Patron - Yancey*

**HB456 Department of Health Professions; suspension of license; nonpayment of student loans.** Repeals provisions authorizing an obligee to petition for and a circuit court to order the suspension of any state-issued license to engage in a health care profession or occupation when an obligor is delinquent or in default in the payment of a federally guaranteed or state-guaranteed educational loan or work-conditional scholarship.

*Patron - Filler-Corn*

**HB458 CBD oil and THC-A oil; certification for use; dispensing.** Provides that a practitioner may issue a written certification for the use of cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The bill increases the supply of CBD oil or THC-A oil a pharmaceutical processor may dispense from a 30-day supply to a 90-day supply. The bill reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil, respectively. The bill provides that any agent or employee of a pharmaceutical processor is authorized to deliver CBD oil or THC-A oil. Finally, the bill provides that no agent or employee of a pharmaceutical processor can be prosecuted for the possession or manufacture of marijuana or the possession, manufacture, or distribution of CBD oil or THC-A oil if such agent or employee is acting in accordance with certain statutes and regulations. Under current law, such agents and employees may be prosecuted but it is considered an affirmative defense if such agents or employees act in accordance with such statutes and regulations.

*Patron - Filler-Corn*

**HB499 Board of Nursing; regulations governing identification badges.** Requires the Board of Nursing to adopt regulations governing identification badges of health professionals licensed, registered, or certified by the Board who practice in hospital emergency departments, psychiatric and mental health units and programs, or health care facility units offering treatment of patients in custody of state or local law-enforcement agencies that provide for display of only the first name and first letter of the last name, as well as the title, of such health professional.

*Patron - Bell, Robert B.*

**HB503 Prescription Monitoring Program; disclosure of information; fitness to work and return to work evaluations.** Adds the following individuals to the list of individuals to whom the Director of the Department of Health Professions (the Director) may disclose information about a specific recipient contained in the Prescription Monitoring Program: (i) a physician licensed in the Commonwealth or another state who is performing an evaluation of the recipient's fitness for work or to return to work in a safety-sensitive position, as defined by the recipient's employer, at the request of the recipient's employer and (ii) a physician licensed in the Commonwealth or another state who is performing an evaluation of the recipient's fitness for work at a place of employment with a written drug-free workplace policy following an offer of employment but prior to hiring the recipient, upon request of the employer and when the request is consistent with the employer's written drug-free workplace policy. In both cases, the bill requires that the information be requested and released only for the purpose of establishing the recipient's treatment history and that notice be made, in a manner specified by the Director in regulation, to the recipient that information from the Prescription Monitoring Program may be requested and received by the physician performing the fitness for work or return to work evaluation.

*Patron - Mullin*

**HB621 Notice to patients of risk of cobalt poisoning.** Requires the Board of Medicine to adopt regulations requiring health care providers who perform joint replacement surgery to inform patients on whom such surgery shall be performed of the risk of cobalt poisoning associated with joint replacement, the symptoms of cobalt poisoning, and the steps such patients should take if they begin to experience symptoms of cobalt poisoning.

*Patron - Bell, Robert B.*

**HB641 Prescription Monitoring Program; recipients of dispensed Schedule II drugs.** Requires pharmacists who dispense Schedule II drugs pursuant to a valid prescription to include the name, address, and government-issued identification number of the person to whom the covered substance was actually delivered in the report submitted to the Prescription Monitoring Program.

*Patron - Mullin*

**HB697 Licensure of professional counselors; requirements for licensure; supervision.** Provides that requirements of the Board of Counseling related to supervision of applicants for licensure as a professional counselor shall not require more than 2,400 hours of supervision to be eligible for licensure.

*Patron - Miyares*

**HB860 Delivery of prescription drug orders.** Provides that whenever any pharmacy delivers a prescription drug order for which refrigeration is required by mail, common carrier, or delivery service, when the drug order is not personally hand delivered directly, to the patient or his agent at the person's residence or other designated location, the shipment shall include a means for the (i) detection of temperature variations that may cause chemical degradation of the drugs and (ii) notification of the patient of the variation.

*Patron - Peace*

**HB880 Professions and occupations; regulatory boards.** Establishes the position of professional and occupational regulatory analyst within the Division of Legislative Services to assist the Joint Commission on Administrative Rules in (i) exerting its best efforts to evaluate at least three professions or occupations in each year and (ii) to the extent feasible, reviewing legislation establishing or modifying an occupational regulation to determine whether the legislation uses the least restrictive regulation necessary to protect or preserve the public health, safety, and welfare. The evaluation shall include recommendations for changes to occupational regulations to encourage use of the least restrictive regulation necessary.

*Patron - Webert*

**HB891 Licensure of upholsterers.** Repeals the licensing requirement for persons (i) manufacturing, renovating, reupholstering, or importing any bedding or upholstered furniture or (ii) processing or selling any filling material to be used in articles of bedding or upholstered furniture.

*Patron - Webert*

**HB892 Board for Barbers and Cosmetology; deregulation of barbering, cosmetology, nail care, waxing, tattooing, body piercing, and esthetics.** Abolishes the Board for Barbers and Cosmetology and deregulates the practices of barbering, cosmetology, nail care, waxing, tattooing, body piercing, and esthetics.

*Patron - Webert*

**HB898 Board for Contractors; prerequisites to obtaining a building permit; elimination of affidavit requirement.** Removes the requirement that a building permit applicant's written statement that he is not subject to licensure or certification as a contractor or subcontractor be supported by an affidavit but adds a requirement that the applicant include in the written statement the identifying information of the licensed or certified person who will be carrying out or supervising the work. The bill contains technical amendments.

*Patron - Yancey*

**HB1014 CBD oil and THC-A oil; certification for use; dispensing.** Provides that a practitioner may issue a written certification for the use of cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy.

*Patron - Toscano*

**HB1120 Common Interest Community Board; powers and duties concerning associations.** Requires the Common Interest Community Board to intervene in the internal activities of an association to the extent necessary to prevent or cure violations pursuant to the provisions in Title 54.1 (Professions and Occupations) regarding common interest communities, the provisions pursuant to which the association is created, and the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) if the association is subject to that Act.

*Patron - Convirs-Fowler*

**HB1135 Professions and occupations; prior criminal history.** Removes the authority given to regulatory boards of the Department of Professional and Occupational Regulation to refuse to issue a license, certificate, or registration if the board finds, based upon all of the information available, including the applicant's record of prior convictions, that the applicant is unfit or unsuited to engage in the occupation or profession. The bill does not change current law that provides that such regulatory board may refuse to issue a license, certificate, or registration if an applicant's criminal conviction directly relates to the occupation or profession for which the license, certificate, or registration is sought. If a regulatory board or department denies an applicant a license, certificate, or registration solely or in part because of the applicant's prior conviction of a crime, the regulatory board or department (i)



has the burden of proving by clear and convincing evidence that the prior criminal conviction directly relates to the occupation or profession for which the license, certificate, or registration is sought and (ii) must provide written notice to the applicant. The bill also allows any person who has a criminal record to petition a regulatory board or department for a determination of whether the person's criminal record will disqualify the person from obtaining a license, certificate, or registration.

*Patron - Peace*

**HB1184 Practice of veterinary medicine; exceptions; students.** Exempts from the requirements of licensure veterinary students who are enrolled in an accredited veterinary medicine program at a public institution of higher education in the Commonwealth and who engage in the practice of veterinary medicine under the direct supervision of a licensed veterinarian as part of a program of study.

*Patron - Rush*

**HB1222 Possession or distribution of controlled paraphernalia; hypodermic needles and syringes; naloxone.** Provides that a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy may dispense or distribute hypodermic needles and syringes in conjunction with such dispensing of naloxone and that a person to whom naloxone has been distributed by such individual may possess hypodermic needles and syringes in conjunction with such possession of naloxone. The bill contains an emergency clause.

*Patron - Boysko*

**HB1295 Prescription Monitoring Program; disclosure of information; public institution of higher education.** Allows the Director of the Department of Health Professions to disclose certain information included in the Prescription Monitoring Program to a public institution of higher education for the purpose of bona fide research or education.

*Patron - Rasoul*

**HB1394 Firearms show; list of vendors or exhibitors.** Requires a promoter of a firearms show to include in his list of vendors or exhibitors submitted to State Police information regarding whether a vendor or exhibitor was selling or transferring a firearm and, if applicable, the vendor or exhibitor's dealer identification number.

*Patron - Rasoul*

**HB1401 Administration of naloxone; correctional and probation officers.** Adds correctional officers and probation officers who have completed a training program to the list of individuals who may possess and administer naloxone.

*Patron - Herring*

**HB1422 CBD oil and THC-A oil; certification for use; dispensing.** Provides that a practitioner may issue a written certification for the use of cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease, including epilepsy, cancer, glaucoma, human immunodeficiency virus, acquired immunodeficiency syndrome, amyotrophic lateral sclerosis, multiple sclerosis, post-traumatic stress disorder, traumatic brain injury, chronic pain, or other chronic or terminal condition or disease. Under current law, a practitioner may issue such certification only for the treatment or to alleviate the symptoms of intractable epilepsy.

*Patron - Marshall*

**HB1440 Schedule I and Schedule II drugs.** Adds MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) to

Schedule I of the Drug Control Act and Dronabinol [(-)-delta-9-**trans** tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration to Schedule II of the Drug Control Act and removes naldemedine from Schedule II of the Drug Control Act.

*Patron - Garrett*

**HB1510 Professions and occupations; reciprocity.** Directs the Department of Professional and Occupational Regulation and the Department of Health Professions to promulgate regulations recognizing licenses or certificates issued by the Commonwealth of Puerto Rico as full fulfillment of qualifications for licensure or certification in the Commonwealth. The provisions of the bill expire on July 1, 2021.

*Patron - Simon*

**SB25 Dispensing drugs without a prescription.** Authorizes a pharmacist to dispense up to a five-day supply of a Schedule VI drug to an individual who has been displaced from his residence by a natural or man-made disaster; has had his supply of the drug lost, destroyed, or otherwise rendered unusable as a consequence of the disaster; and is unable to tell the pharmacist the identity of the prescriber or his regular pharmacist or pharmacy. The bill also requires the individual to present evidence sufficient to establish, among other things, that the individual had been in lawful possession of the drug pursuant to a prescription provided to another pharmacist and that his health would be in danger without the benefits of the drug. Before prescribing the drug, the pharmacist is required to determine with a reasonable degree of certainty that the requested drug and dosage level are consistent with the drug and its dosage level that had been prescribed to the individual at the time of his displacement from his residence. During the period for which the drug has been dispensed, the pharmacist is required to diligently attempt to ascertain the identity of the prescriber and the identity of the pharmacist or pharmacy in possession of the prescriber's prescription. Upon obtaining such information, the pharmacist is required to take such additional reasonable action as will permit the individual to obtain a new or renewal prescription and resume obtaining the drug pursuant to his prescription.

*Patron - Spruill*

**SB54 Department of Professional and Occupational Regulation; subpoena duces tecum; costs.** Provides that, if a licensee or regulant of the Department of Professional and Occupational Regulation or one of its regulatory boards is successful in a motion to quash a subpoena duces tecum issued in furtherance of an investigation, the court shall award reasonable costs and attorney fees or \$500, whichever is greater.

*Patron - DeSteph*

**SB55 Department of Professional and Occupational Regulation; disciplinary actions by regulatory boards.** Requires a regulatory board under the Department of Professional and Occupational Regulation to determine the factual basis for its decisions through an informal fact-finding conference under the Administrative Process Act (§ 2.2-4000 et seq.) unless the regulant and the regulatory board agree to resolve the matter through a consent order or the regulant consents to waive the conference to go directly to a formal hearing. If the conference is waived, or if it fails to dispose of the case by consent, the bill requires the regulatory board to conduct a formal hearing. The bill also provides that, if a regulant is successful in a motion to quash a subpoena duces tecum issued in furtherance of an investigation, the court shall award reasonable costs and attorney fees or \$500, whichever is greater.

*Patron - DeSteph*

**SB245 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 treat-

ment 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*

**SB293 Dispensing of certain controlled substances and devices; limited license.** Authorizes the Board of Pharmacy to issue a limited license at a reduced fee to a prescriber in a nonprofit facility to dispense controlled substances and devices for contraception or treatment of sexually transmitted disease. The bill provides that the nonprofit facility from which a prescriber with such limited license dispenses such controlled substances and devices is required to obtain a limited-use permit from the Board and comply with relevant Board regulations and is exempt from associated fees. The bill requires the Board of Pharmacy to promulgate regulations to implement its provisions to be effective within 280 days of its enactment.

*Patron - McClellan*

**SB432 Transfer of firearms; criminal history record information check; penalties.** Requires that a criminal history record information check be performed on the prospective transferee before a vendor, defined in the bill, may transfer firearms at a gun show. A violation is a Class 6 felony. The bill also requires that the promoter of a firearms show post notice of the requirement for a criminal history record information check and provide vendors with access to licensed dealers who will conduct the criminal history record information check. The bill repeals a provision added by the 2016 Session of the General Assembly that 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.

*Patron - Wexton*

**SB447 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, including between immediate family members, by operation of law, at a firearms show with a background check, at a shooting range, at voluntary gun buyback programs, transfers of antique firearms, and when the transfer is temporary and (i) is necessary to prevent imminent death or great bodily harm or (ii) occurs while in the continuous presence of the owner of the firearm.

*Patron - Surovell*

**SB460 Professions and occupations; home inspectors; assertion as to presence or absence of radon.** Provides that no home inspector shall make any assertion as to the presence or absence of radon, or amount thereof, in a residential building, nor conduct or offer to conduct any radon screening or testing, unless he (i) is listed as a professional by either the National Radon Proficiency Program or the National Radon Safety Board or (ii) meets any other proficiency measures deemed acceptable by the U.S. Environmental Protection Agency or the Board of Health for the purpose of offering such

screening or testing, and otherwise complies with additional requirements contained in Title 32.1 (Health).

*Patron - Stanley*

**SB464 Licensed providers of treatment for persons with opioid addiction; Prescription Monitoring Program.** Requires licensed providers of treatment for persons with opioid addiction through the use of methadone or other opioid replacements to comply with the reporting requirements of the Prescription Monitoring Program.

*Patron - Reeves*

**SB597 Possession or distribution of marijuana for medical purposes; affirmative defense for treatment of certain conditions.** Provides an affirmative defense to prosecution for possession of marijuana if a person has a valid written certification issued by a practitioner for cannabidiol oil or THC-A oil for treatment of, or to alleviate the symptoms of, cancer, glaucoma, human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, Alzheimer's disease, nail patella, cachexia or wasting syndrome, multiple sclerosis, or complex regional pain syndrome. Under current law, only the treatment of intractable epilepsy is covered by the affirmative defense. This bill was incorporated into SB 726.

*Patron - Vogel*

**SB627 Department of Professional and Occupational Regulation; home inspectors; certain contract provisions prohibited.** Prohibits a contract for home inspection services from including any provision limiting the liability of any home inspector arising from his acts or limiting any business that provides home inspection services from liability for the acts of its employees or agents.

*Patron - Surovell*

**SB655 Appraisal management companies; cap on fees; disclosure.** Caps the markup that an appraisal management company adds to the cost of an appraisal conducted by an independent appraiser at 20 percent. The bill also requires the appraisal management company to fully disclose to the client the actual fee that is charged for the services provided by the appraisal management company.

*Patron - McPike*

**SB721 Health care services; payment estimates.** Requires practitioners licensed by the Board of Medicine and hospitals to provide a patient or the representative of a patient scheduled to receive a nonemergency procedure, test, or service to be performed by the practitioner or hospital, at least three days in advance of the date of such procedure, test, or service, an estimate of the payment amount for which the participant will be responsible. Under current law, the requirement to provide such estimate applies only to hospitals for elective procedures, tests, or services and only upon request.

*Patron - Chase*

**SB788 CBD oil and THC-A oil; certification for use; dispensing.** Provides that a practitioner may issue a written certification for the use of cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The bill increases the supply of CBD oil or THC-A oil a pharmaceutical processor may dispense from a 30-day supply to a 90-day supply. The bill reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil, respectively. The bill provides that any agent or employee of a pharmaceutical processor is authorized to deliver CBD oil or THC-A oil. Finally, the bill provides that no agent or employee of a pharmaceutical processor can be prosecuted for the possession or manufacture of marijuana or the possession, manufacture, or distribution of CBD oil or THC-A oil if such agent or employee is acting in accordance with certain statutes and reg-

ulations. Under current law, such agents and employees may be prosecuted, but it is considered an affirmative defense if such agents or employees act in accordance with such statutes and regulations. This bill was incorporated into SB 726.

*Patron - Marsden*

**[F]SB798 Presentence reports; access by work release programs.** Authorizes the court to provide a copy of a presentence report to the director or administrator of a work release program if the person who is the subject of the report is under consideration for participation in such program.

*Patron - Cosgrove*

**[F]SB862 Pharmacy drug disposal program.** Requires that each pharmacy participate in a pharmacy drug disposal program in order to properly dispose of unwanted prescription drugs. Under current law, participation in such program is voluntary.

*Patron - Vogel*

**[F]SB881 Board of Funeral Directors and Embalmers; membership.** Increases the membership of the Board of Funeral Directors and Embalmers from nine to 10 by adding one nonlegislative citizen member and increases from five to six the number of members that constitutes a quorum.

*Patron - Spruill*

**[F]SB927 Virginia Property Owners' Association Act; applicability.** Provides that the Virginia Property Owners' Association Act (§ 55-508 et seq.) shall be applicable to any development established prior to the former Subdivided Land Sales Act (§ 55-336 et seq.) (i) containing 500 or more lots, (ii) having each lot contained in the development being located within the boundaries of a watershed improvement district, and (iii) having each lot subject to substantially similar deed restrictions contained in one or more declarations.

*Patron - Marsden*

## Carried Over

**[C]SB370 Delivery of prescription drug orders.** Provides that whenever any pharmacy delivers a prescription drug order for which refrigeration is required by mail, common carrier, or delivery service, when the drug order is not personally hand delivered directly, to the patient or his agent at the person's residence or other designated location, the shipment shall include a means for the (i) detection of temperature variations that may cause chemical degradation of the drugs and (ii) notification of the patient of the variation.

*Patron - Newman*

**[C]SB436 Schedule I drugs; classification for fentanyl derivatives.** Adds to Schedule I of the Drug Control Act a classification for fentanyl derivatives.

*Patron - Wexton*

**[C]SB505 Doctorate of medical science; licensure and practice.** Establishes requirements for licensure and practice as a doctorate of medical science. The bill provides that it is unlawful to practice as a doctorate of medical science unless licensed by the Board of Medicine (Board) and requires that an applicant for licensure, among other requirements, (i) hold an active unrestricted license to practice as a physician assistant in the Commonwealth or another jurisdiction and be able to demonstrate engagement in active clinical practice as a physician assistant under physician supervision for at least three years and (ii) be a graduate of at least a two-year doctor of medical science program or an equivalent program that is accredited by a regional body under the U.S. Department of Education and an accrediting body approved by the Board. The bill provides that doctorates of medical science can practice only as part of a patient care team at a hospital or group medical practice engaged in primary care and are required to maintain appropriate collaboration and consultation, as evidenced in

a written or electronic practice agreement, with at least one patient care team physician. The bill requires the Board to establish the scope of practice for doctorates of medical science and to promulgate regulations regarding collaboration and consultation among a patient care team and requirements for the practice agreement. The bill outlines the prescriptive authority of doctorates of medical science. The bill also authorizes various powers and requires various duties of a doctorate of medical science where such powers and duties are, under current law, given to and required of physician assistants and nurse practitioners.

*Patron - Carrico*

**[C]SB973 Track and Trace Program.** Establishes the Track and Trace Program for the monitoring of the movement of controlled substances.

*Patron - Vogel*

## Property and Conveyances

### Passed

**[P]HB674 Virginia Real Estate Time-Share Act; Common Interest Community Board; developer may obtain surety bond or letter of credit.** Provides that in lieu of escrowing deposits made in connection with the purchase or reservation of a time-share product a developer may obtain a corporate surety bond or letter of credit with the Common Interest Community Board where the time-share project consists of more than 25 units. Currently, the developer is required to escrow the individual deposits for every purchase and file with the Board a bond or letter of credit or cash for the purpose of protecting all deposits. This bill is identical to SB 443.

*Patron - Davis*

**[P]HB686 Unclaimed property; deposits with financial institutions; charges and interest.** Clarifies the criteria that must be met for a bank or other financial organization to impose charges or cease to pay interest on a dormant or inactive account that differ from those imposed on active accounts. The holder may reverse or cancel dormancy charges or retroactively credit interest upon the request of the owner if it also does so for all such property that becomes subject to certain statutory reporting requirements regarding unclaimed property. If the holder elects not to reverse or cancel dormancy charges or retroactively credit interest with respect to any such property, then it is not required to reverse or cancel dormancy charges or retroactively credit interest for property that becomes subject to the reporting requirements regarding unclaimed property. A holder may also reverse or cancel dormancy charges or retroactively credit interest with respect to any or all such property to correct a documented internal error without becoming required to reverse or cancel dormancy charges or retroactively credit interest for all such property that becomes subject to unclaimed property reporting requirements. An enactment states that the measure is declarative of existing law. This bill is identical to SB 253.

*Patron - Ransone*

**[P]HB755 Foreclosure; notice of sale when owner is deceased.** Provides that when the owner of a property to be sold by a trustee pursuant to a deed of trust is deceased, the notice of the sale shall be delivered to the last known address of the deceased owner, any personal representative of the deceased's estate, and any heirs of the deceased as recorded in the land records where the property is located. The bill further provides that the trustee of a deed of trust for property that is sold after the death of the owner shall include (i) any remaining subsequent debts and obligations secured by the deed and (ii) any liens of record inferior to the deed of trust under which the sale is made, with lawful interest, in the list of debts to be paid off using any surplus from the sale prior to paying the remain-

der of the surplus to the decedent's personal representative. This bill is identical to SB 422.

*Patron - Leftwich*

**HB855 Landlord and tenant law; notice requirements; landlord's acceptance of rent with reservation.** Changes the landlord and tenant law notice requirements for landlords to accept full or partial rent while continuing to proceed with a court action to obtain an order of possession and subsequent eviction by creating a single notice and removing the requirement for second notice for the time period between entry of an order of possession and prior to eviction. The bill provides that the landlord may accept full or partial payment of rent and still receive an order of possession and proceed with eviction if the landlord states in the written notice to the tenant that any payment of rent, damages, money judgment, award of attorney fees, and court costs would be accepted with reservation and not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. The bill also provides that if a dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, written notice of acceptance of rent with reservation need not be given to any public agency paying a portion of the rent under the rental agreement. This bill is identical to SB 197.

*Patron - Peace*

**HB857 Landlord and tenant law.** Removes remaining differences between general landlord and tenant provisions and the Virginia Residential Landlord and Tenant Act by conforming provisions pertaining to residential dwelling units in the following areas: (i) termination of a nonresidential tenancy by self-help eviction or by filing an unlawful detainer action; (ii) tenant obligations to maintain a dwelling unit; (iii) notice to the tenant in the event of foreclosure; (iv) wrongful failure to supply heat, water, hot water, or essential services; (v) prohibited provisions in the rental agreement; (vi) early termination of a rental agreement by military personnel; and (vii) remedies for the landlord's failure to deliver possession. The bill also makes the following changes to landlord and tenant law: (a) clarifies the lease termination process; (b) provides that if a tenant allows his renter's insurance to lapse, the landlord may provide coverage and require the tenant to pay the premium; (c) establishes protection for landlords who provide tenant information to a federal census official; (d) authorizes a landlord or property manager to appear in court to seek final rent and damages related to a dwelling unit; and (e) clarifies remedies for a tenant's failure to prepare the dwelling unit for insecticide or pesticide applications.

*Patron - Peace*

**HB923 Common Interest Community Board; information on covenants; association disclosure packets and resale certificates.** Requires the Common Interest Community Board (Board) to reconfigure its current one-page form that accompanies association disclosure packets that are required to be provided to all prospective purchasers of lots located within a development that is subject to the Virginia Property Owners' Association Act as a cover form to accompany both association disclosure packets and resale certificates that are required to be provided to all prospective purchasers of units located within a condominium that is subject to the Condominium Act. The bill also requires the Board to expand the breadth of information that is included on the form to provide potential purchasers with additional information regarding restrictive covenants that the potential purchaser may be subject to as a member of a property owners' association or a unit owners' association and which may affect the potential purchaser's decision to purchase a lot or unit located within a common interest community.

*Patron - Bulova*

**HB1031 Common interest communities; disclosure packets.** Requires that as a prerequisite to charging any fees for the preparation of disclosure packets, both professionally managed property owners' associations and property owners' associations that are not professionally managed must register with the Common Interest Community Board, file

annual reports, and make annual assessment payments. Additionally, a professionally managed property owners' association must provide the disclosure packet electronically if so requested by the requester in order to charge fees. The bill allows a property owners' association that is not professionally managed to charge fees at the option of the seller or the seller's agent for (i) expediting the inspection, preparation, and delivery of the disclosure packet; (ii) providing an additional hard copy of the disclosure packet; and (iii) providing third-party commercial delivery service. A property owners' association that is not professionally managed may also charge and collect fees for inspection of the property, the preparation and issuance of an association disclosure packet, and such other services as provided by professionally managed property owners' associations as long as the association provides the disclosure packet electronically if so requested by the requester and complies with the other requirements of collecting fees for disclosure packets by professionally managed property owners' associations.

*Patron - Watts*

**HB1047 Manufactured Home Lot Rental Act; definition of manufactured home park.** Reduces from 10 to five the minimum number of manufactured homes on a parcel of land under single or common ownership that meets the definition of a manufactured home park subject to the Manufactured Home Lot Rental Act (§ 55-248.41 et seq.).

*Patron - Torian*

**HB1227 Landlord and tenant law; transient lodging as primary residence for fewer than 90 consecutive days; self-help eviction.** Clarifies that the availability of the use of self-help eviction in certain circumstances to the owner of transient lodging shall not preclude such owner from pursuing any civil or criminal remedies under the laws of the Commonwealth. This bill is identical to SB 286.

*Patron - Hayes*

**HB1533 Virginia Property Owners' Association Act; applicability.** Provides that the Virginia Property Owners' Association Act (§ 55-508 et seq.) shall be applicable to any development established prior to the former Subdivided Land Sales Act (§ 55-336 et seq.) (i) located in a county with an urban county executive form of government, (ii) containing 500 or more lots, (iii) each lot of which is located within the boundaries of a watershed improvement district established pursuant to Article 3 (§ 10.1-614 et seq.) of Chapter 6 of Title 10.1, and (iv) each lot of which is subject to substantially similar deed restrictions.

*Patron - Kory*

**SB197 Landlord and tenant law; notice requirements; landlord's acceptance of rent with reservation.** Changes the landlord and tenant law notice requirements for landlords to accept full or partial rent while continuing to proceed with a court action to obtain an order of possession and subsequent eviction by creating a single notice and removing the requirement for second notice for the time period between entry of an order of possession and prior to eviction. The bill provides that the landlord may accept full or partial payment of rent and still receive an order of possession and proceed with eviction if the landlord states in the written notice to the tenant that any payment of rent, damages, money judgment, award of attorney fees, and court costs would be accepted with reservation and not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. The bill also provides that if a dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, written notice of acceptance of rent with reservation need not be given to any public agency paying a portion of the rent under the rental agreement. This bill is identical to HB 855.

*Patron - Locke*

**SB253 Unclaimed property; deposits with financial institutions; charges and interest.** Clarifies the criteria that

must be met for a bank or other financial organization to impose charges or cease to pay interest on a dormant or inactive account that differ from those imposed on active accounts. The holder may reverse or cancel dormancy charges or retroactively credit interest upon the request of the owner if it also does so for all such property that becomes subject to certain statutory reporting requirements regarding unclaimed property. If the holder elects not to reverse or cancel dormancy charges or retroactively credit interest with respect to any such property, then it is not required to reverse or cancel dormancy charges or retroactively credit interest for property that becomes subject to the reporting requirements regarding unclaimed property. A holder may also reverse or cancel dormancy charges or retroactively credit interest with respect to any or all such property to correct a documented internal error without becoming required to reverse or cancel dormancy charges or retroactively credit interest for all such property that becomes subject to unclaimed property reporting requirements. An enactment states that the measure is declarative of existing law. This bill is identical to HB 686.

*Patron - Dance*

**[P]SB286 Landlord and tenant law; transient lodging as primary residence for fewer than 90 consecutive days; self-help eviction.** Clarifies that the availability of the use of self-help eviction in certain circumstances to the owner of transient lodging shall not preclude such owner from pursuing any civil or criminal remedies under the laws of the Commonwealth. This bill is identical to HB 1227.

*Patron - Spruill*

**[P]SB422 Foreclosure; notice of sale when owner is deceased.** Provides that when the owner of a property to be sold by a trustee pursuant to a deed of trust is deceased, the notice of the sale shall be delivered to the last known address of the deceased owner, any personal representative of the deceased's estate, and any heirs of the deceased as recorded in the land records where the property is located. The bill further provides that the trustee of a deed of trust for property that is sold after the death of the owner shall include (i) any remaining subsequent debts and obligations secured by the deed and (ii) any liens of record inferior to the deed of trust under which the sale is made, with lawful interest, in the list of debts to be paid off using any surplus from the sale prior to paying the remainder of the surplus to the decedent's personal representative. This bill is identical to HB 755.

*Patron - Chafin*

**[P]SB443 Virginia Real Estate Time-Share Act; Common Interest Community Board; developer may obtain surety bond or letter of credit.** Provides that in lieu of escrowing deposits made in connection with the purchase or reservation of a time-share product a developer may obtain a corporate surety bond or letter of credit with the Common Interest Community Board where the time-share project consists of more than 25 units. Currently, the developer is required to escrow the individual deposits for every purchase and file with the Board a bond or letter of credit or cash for the purpose of protecting all deposits. This bill is identical to HB 674.

*Patron - Cosgrove*

**[P]SB722 Condominium Act and Property Owners' Association Act; access to association books and records; duty to redact.** Provides that books and records kept by or on behalf of a unit owners' association or a property owners' association shall be withheld from inspection and copying in their entirety only to the extent that an exclusion from disclosure enumerated in the Condominium Act or Property Owners' Association Act, as applicable, applies to the entire content of such books and records. The bill provides that, otherwise, only those portions of the books and records containing information subject to an exclusion may be withheld, and all portions of the books and records that are not so excluded shall be disclosed at the requesting member's expense.

*Patron - Surovell*

## Failed

**[F]HB410 Property rights of married women; gender-neutral terms.** Makes the laws addressing the property rights of married women applicable to all spouses and removes any sex-based classifications.

*Patron - Simon*

**[F]HB570 Real estate settlement agents.** Establishes a presumption that any person who is authorized to act as a settlement agent is competent to handle settlements of federally backed mortgages secured by real estate in the Commonwealth. Lenders are prohibited from imposing any additional requirement as a condition of closing such mortgages. The measure also (i) provides that if a lender maintains a list of approved settlement agents, the list shall include any person qualified to act as a settlement agent and (ii) prohibits a lender from removing a person from such a list unless it has given the person notice of the reasons for the proposed removal and an opportunity to request a hearing. If a hearing is requested, it shall be conducted by the State Corporation Commission (SCC), and the lender shall not remove the person from its list unless the SCC finds that the removal is permitted.

*Patron - Gooditis*

**[F]HB610 Rights of ingress and egress; use of former rail spur track easement; continuation or reinstatement of rights and benefits.** Provides that where a right of ingress and egress for the use of a rail spur track is created on and over a servient estate for access to loading docks on a dominant estate, such rights and benefits associated with such dominant estate shall continue, or be reinstated, as necessary, if such rail spur track is abandoned or its use is discontinued.

*Patron - Carr*

**[F]HB722 Property Owners' Association Act; action of the board of directors.** Prohibits the board of directors of any property owners' association from taking any action that has not been approved in an open meeting.

*Patron - Plum*

**[F]HB1028 Real estate settlement; choice of settlement service provider.** Provides that a purchaser or borrower in a transaction related to real estate in the Commonwealth shall have the right to select the settlement agent, mortgage lender or broker, and any other vendor associated with the financing or settlement of such real estate. Currently, such right is limited to the choice of settlement agent. The bill also prohibits the seller or any other party associated with a real estate transaction from requiring the use of, or offering anything of value for the use of, a particular mortgage lender or broker or any other vendor as a condition of the sale.

*Patron - Convirs-Fowler*

**[F]HB1032 Real estate settlements, prohibition against kickbacks, rebates, or other things of value.** Subjects any affiliated settlement service provider of any person selling real property or performing services as a real estate agent, attorney, lay settlement agent, or lender to the prohibition against paying or receiving kickbacks, rebates, or other things of value pursuant to any agreement or understanding, oral or otherwise, that business incident to services required to complete a real estate settlement be referred to any person.

*Patron - Convirs-Fowler*

**[F]HB1038 Virginia Property Owners' Association Act; maintenance of stormwater management facilities.** Provides that the board of directors of each association shall be responsible for inspecting and maintaining the stormwater best management practice that serves and is operated or owned by the development.

*Patron - Convirs-Fowler*

**HB1040 Common Interest Community Board; complaints from association members and other citizens.** Requires condominium, cooperative, and property owners' associations to respond to each complaint from their association members and other citizens, address each issue raised in the complaint in full, and provide the response to the complainant within 30 days of receipt of the complaint.

*Patron - Convirs-Fowler*

**HB1041 Virginia Property Owners' Association Act; lot owner rights.** Provides lot owners the right to be informed of the count and outcome of a vote on any matter requiring a vote by a property owners' association's membership in proportion to the lot owner's ownership interest. The bill removes the requirement that a recording of a meeting of the board of directors by a lot owner be by audio or visual means.

*Patron - Convirs-Fowler*

**HB1043 Property Owners' Association Act; meetings of association boards of directors.** Provides that an association member may share a recording of any portion of an association board of directors meeting that is required to be open and that neither the board of directors nor a subcommittee or other committee thereof conducting the meeting shall obstruct a member from recording or sharing a recording of the meeting. The bill also provides that during any portion of a meeting required to be open, the vote of each board member shall be announced to members and recorded in the meeting minutes. Finally, the bill requires that a summary of any comments made by association members and the issues discussed be included in the meeting minutes.

*Patron - Convirs-Fowler*

**HB1050 Manufactured Home Lot Rental Act; manufactured home park; sale of park; notice; penalties.** Requires that if a resident association provides written notice of its interest in purchasing a park to the landlord within the 12 months before the park is offered for sale, the owner of the park must (i) notify residents and prospective residents of the intent to sell the park, (ii) consider and negotiate in good faith regarding any offer to purchase the park made by the association, and (iii) prior to accepting any offer to purchase the park, offer to sell the park on the same terms and conditions to the resident association. The bill requires that a landlord notify residents and prospective residents of an intent to close the park at least 180 days prior to the date of closure. The bill reduces from 10 to five the number of manufactured homes required to constitute a manufactured home park and allows a tenant to recover the greater of three times the tenant's monthly rent or actual damages, and reasonable attorney fees, where the landlord willfully violates certain provisions of the Manufactured Home Lot Rental Act (§ 55-248.41 et seq.).

*Patron - Torian*

**HB1121 Property Owners' Association Act; Common Interest Community Board; compliance of property owners' associations with the Virginia Nonstock Corporation Act.** Codifies that a property owners' association subject to the provisions of the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) must comply with the provisions of the declaration, the Property Owners' Association Act (§ 55-508 et seq.), and the Virginia Nonstock Corporation Act. The bill requires the Common Interest Community Board to intervene in the internal activities of an association to the extent necessary to prevent or cure violations of the provisions in Title 54.1 (Professions and Occupations) regarding common interest communities, the provisions pursuant to which the association is created, and the Virginia Nonstock Corporation Act, if the association is subject to that Act.

*Patron - Convirs-Fowler*

**HB1122 Property Owners' Association Act; access to association records.** Creates additional recordkeeping requirements for associations, including requirements to keep records of (i) the association's current membership, including

each member's address, telephone number, and email address, if any; (ii) a copy of the current declaration, the association's articles of incorporation and bylaws, and any rules and regulations or architectural guidelines adopted by the association; (iii) a copy of all minutes of the board of directors and association meetings; and (iv) records of all correspondence between management or members of the association's board of directors and association members. The bill provides that such records be available, subject to certain enumerated exceptions, for examination and copying by a member in good standing or his authorized agent. The bill contains technical amendments.

*Patron - Convirs-Fowler*

**HB1123 Property Owners' Association Act; minutes of meetings of association boards of directors.** Specifies that minutes of meetings of association boards of directors must be in writing and must include (i) the date, time, and location of the meeting; (ii) the members of the board of directors recorded as present and absent; (iii) a summary of the discussion on all matters proposed, deliberated, or decided; (iv) a list of any speakers appearing before the board and a summary of their presentations; and (v) a record of any votes taken, including details as to the specific vote of each board member. The bill provides that minutes may be recorded in a more general format so long as they are supplemented by an audio or video recording of the entirety of the meeting using a means of recording that fully captures and can clearly reproduce all of the statements made during the meeting.

*Patron - Convirs-Fowler*

**HB1283 Utility easements; pole attachments.** Declares that a public service company that has acquired a prescriptive easement that is used to provide electrical service is deemed to have the right to grant to a provider of broadband or other telecommunications services the right to attach its wires and appurtenant facilities to the public service company's poles, subject to the conditions that the public service company not charge pole attachment fees for five years and that the public utility and telecommunication service provider equally share the costs of making the poles ready.

*Patron - LaRock*

**HB1585 Property Owners' Association Act; operation of the association; requirements for certain associations; enforcement.** Applies to the Property Owners' Association Act certain provisions of the Virginia Nonstock Corporation Act for associations incorporated under that act. The bill provides that such provisions are to be enforced by the Common Interest Community Board.

*Patron - Convirs-Fowler*

**SB194 Manufactured Home Lot Rental Act; manufactured home park; sale of park; notice; penalties.** Requires that a manufactured home park owner notify residents and prospective residents of the intent to sell the park; consider offers to purchase the park made by a resident association or an agent acting on behalf of the residents; and negotiate in good faith with such offeror. Before the owner accepts any offer to purchase the park, the bill requires he offer to sell the park on the same terms and conditions to any resident association or agent representing park residents that has provided written notice of interest in purchasing the park. The bill requires that a landlord notify residents and prospective residents of an intent to close the park at least 180 days prior to the date of closure. The bill reduces from 10 to five the number of manufactured homes required to constitute a manufactured home park and allows a tenant to recover the greater of three times the tenant's monthly rent or actual damages, and reasonable attorney fees, where the landlord willfully violates certain provisions of the Act.

*Patron - Locke*

**SB195 Virginia Residential Rent-to-Own Real Estate Contracts Act; civil penalties.** Creates the Virginia Residential Rent-to-Own Real Estate Contracts Act that establishes contract requirements and prohibitions for installment

land contracts and lease-option contracts as defined in the bill. Under the bill, a violation by a person who sells, or proposes to sell, real property under an installment land contract or lease-option contract constitutes a fraudulent act or practice for purposes of applying the Virginia Consumer Protection Act.

*Patron - Locke*

**SB280 Lease-option real estate contracts; requirements of the owner; default.** Establishes contract provisions for when an owner of real property enters into a contract with a purchaser to lease the real property and the contract includes an option to purchase the same property. The bill directs that whenever an owner enters into such contract, he shall (i) ensure that the contract is in writing and recorded, (ii) disclose in the contract all liens on the property at the time of the signing of the contract, and (iii) satisfy any outstanding tax obligations on the property prior to the signing of the contract. If the purchaser defaults, including by nonpayment, the owner shall give written notice of the grounds for default to the purchaser, and the purchaser shall have 30 days to cure the default in order to maintain his right to purchase.

*Patron - Petersen*

**SB648 Manufactured Home Lot Rental Act; manufactured home park; sale of park; notice; penalties.** Requires that a manufactured home park owner notify residents and prospective residents of the intent to sell the park; consider offers to purchase the park made by a resident association or an agent acting on behalf of the residents; and negotiate in good faith with such offeror. Before the owner accepts any offer to purchase the park, the bill requires he offer to sell the park on the same terms and conditions to any resident association or agent representing park residents that has provided written notice of interest in purchasing the park. The bill requires that a landlord notify residents and prospective residents of an intent to close the park at least 180 days prior to the date of closure. The bill reduces from 10 to five the number of manufactured homes required to constitute a manufactured home park and allows a tenant to recover the greater of three times the tenant's monthly rent or actual damages, and reasonable attorney fees, where the landlord willfully violates certain provisions of the Act.

*Patron - McPike*

**SB649 Manufactured Home Lot Rental Act; penalties for violation.** Increases the amount a tenant can recover after a landlord violates the Manufactured Home Lot Rental Act (§ 55-248.51 et seq.) from an amount equal to the greater of the tenant's monthly rental payment or actual damages and attorney fees to an amount equal to the greater of three times the tenant's monthly rental payment or actual damages and attorney fees.

*Patron - McPike*

**SB705 Virginia Condominium Act and the Property Owners' Association Act; contents of association disclosure packet; unfunded capital reserves.** Provides for the disclosure packets required upon the resale of a unit under the Virginia Condominium Act or a lot under the Property Owners' Association Act to include a statement of the total amount of unfunded capital reserves based on the current reserve study, including the pro rata share of such unfunded capital reserves per unit or lot.

*Patron - Surovell*

**SB706 Common interest communities; reserves for capital components; budget.** Requires the budget for a common interest community to include a statement detailing the amount of any shortage or excess of total cash reserves, as indicated by the five-year cash reserves study, and the amount of such shortage or excess per capita for each member of the association. The bill also provides that the failure of any member of the governing body or officer of the association to comply with provisions relating to reserves for capital components

shall constitute prima facie evidence of a breach of fiduciary duty on the part of the board member or officer.

*Patron - Surovell*

**SB707 Virginia Property Owners' Association Act; home-based businesses.** Provides that no property owners' association shall 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, unless the home-based business is expressly prohibited by the declaration. Under current law, operation of a home-based business is allowed only to the extent that the declaration is silent on the operation of home-based businesses.

*Patron - Surovell*

**SB861 Property Owners' Association Act; member approval required for certain capital expenditures.** Requires a property owners' association's board of directors, before making expenditures on capital components that exceed \$1 million, to obtain the approval of a majority of lot owners who are members in good standing of the property owners' association. The requirements do not affect capital components approved by the board of directors and fully funded prior to July 1, 2018.

*Patron - Reeves*

## Carried Over

**SB272 Construction Trust Act.** Provides that any moneys paid under a contract by an owner to a contractor, or by the owner or contractor to a subcontractor for work done or materials furnished for or about a building by any subcontractor, shall be strictly accounted for and held in trust by the contractor or subcontractor, as trustee, for those subcontractors who did work or furnished materials, for purposes of paying those subcontractors. Under the bill, any officer, director, or managing agent of any contractor or subcontractor who knowingly retains or uses such moneys held in trust for any purpose other than to pay the subcontractors for whom the moneys are held in trust shall be personally liable to any person damaged by the action and for reasonable attorney fees incurred.

*Patron - Petersen*

## Public Service Companies

### Passed

**HB1388 Enhanced Public Safety Telephone Services Act.** Establishes requirements regarding the implementation of next generation 9-1-1 (NG9-1-1) service. By July 1, 2023, the 9-1-1 Services Board (the Board) is required to develop and implement NG9-1-1 transition plans to migrate public service answering points and originating service providers from E-911 to NG9-1-1. The measure alters the formula and criteria for the Board's distribution of funds from the Wireless E-911 Fund. The measure also repeals provisions regarding (i) notices that providers of Voice over Internet protocol service are required to give to subscribers regarding access to E-911 service; (ii) plans for access by Voice over Internet protocol service subscribers to obtain E-911 service; and (iii) the Board's Wireless Carrier E-911 Cost Recovery Subcommittee. This bill is identical to SB 513.

*Patron - Leftwich*

**HB1427 Wireless support structures; public rights-of-way use fees.** Establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public



rights-of-way under the jurisdiction of the Department of Transportation (VDOT) or a locality for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that an existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider may be enforced by VDOT or the locality only until the current term of the agreement, contract, license, easement, or permit expires. This bill is identical to SB 823. This bill received Governor's recommendations.

*Patron - Kilgore*

**HB1451 Net energy metering; schools.** Directs Dominion Energy Virginia to conduct a pilot program, not exceeding 10 megawatts in the aggregate, under which any public school in the Commonwealth that generates more electricity from a wind-powered or solar-powered generation facility than it consumes in a billing period may either credit the excess electricity to the metered accounts of one or more other schools in the school division or be paid for the excess electricity at the contractually negotiated rate.

*Patron - Sullivan*

**SB72 Electric distribution lines; minimum height.** Requires that electric distribution lines installed on or after July 1, 2018, upon or over agricultural land shall be placed at a height that is not less than the minimum height requirement that applies to the placement of such lines above road crossings.

*Patron - Cosgrove*

**SB513 Enhanced Public Safety Telephone Services Act.** Establishes requirements regarding the implementation of next generation 9-1-1 (NG9-1-1) service. By July 1, 2023, the 9-1-1 Services Board (the Board) is required to develop and implement NG9-1-1 transition plans to migrate public service answering points and originating service providers from E-911 to NG9-1-1. The measure alters the formula and criteria for the Board's distribution of funds from the Wireless E-911 Fund. The measure also repeals provisions regarding (i) notices that providers of Voice over Internet protocol service are required to give to subscribers regarding access to E-911 service; (ii) plans for access by Voice over Internet protocol service subscribers to obtain E-911 service; and (iii) the Board's Wireless Carrier E-911 Cost Recovery Subcommittee. This bill is identical to HB 1388.

*Patron - Suetterlein*

**SB807 Electric utilities; coal combustion residuals units; beneficial use projects.** Directs the Director of the Department of Environmental Quality to suspend, delay, or defer the issuance of any permit to provide for the closure of any coal combustion residuals (CCRs) surface impoundment or other CCRs unit that no longer receives CCRs, located within the Chesapeake Bay watershed, until July 1, 2019. These limits do not apply to a permit required for an impoundment where CCRs have already been removed and placed in another impoundment on site, are being removed from an impoundment, or are being processed in connection with a recycling or beneficial use project. The measure also requires the owner or operator of such a CCRs surface impoundment or unit to issue a request for proposals (RFP) for entities to conduct recycling or beneficial use projects for the CCRs at such impoundment or unit. The RFP shall require responding entities to provide information from which the owner or operator is able to determine, among other things, the cost of the recycling or beneficial use of the CCRs. The owner or operator is required by November 15, 2018, to transmit to the Governor

and certain committees and agencies a business plan that compiles the information collected through the RFP process.

*Patron - Surovell*

**SB823 Wireless support structures; public rights-of-way use fees.** Establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) or a locality for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that an existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider may be enforced by VDOT or the locality only until the current term of the agreement, contract, license, easement, or permit expires. This bill is identical to HB 1427. This bill received Governor's recommendations.

*Patron - McDougale*

**SB922 Electric utilities; rates and tariffs.** Directs the State Corporation Commission to exclude any debt associated with an electric utility's securitized bonds that are the obligation of non-Virginia jurisdictional customers from the capital structure and cost of capital of the utility when regulating its rates, terms, and conditions of service. The measure also authorizes a utility to request an adjustment to a tariff that is revenue neutral to the utility during a biennial filing that does not result in an overall rate change.

*Patron - Chafin*

**SB966 Electric utility regulation.** Provides that, in lieu of the biennial review proceedings previously required, Dominion Energy Virginia (DEV) and Appalachian Power (APCo) will be subject to triennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The measure advances the termination of the Transitional Rate Period for DEV by three years, to December 31, 2016. The termination of the Transitional Rate Period for APCo remains December 31, 2017. DEV's first review after its Transitional Rate Period will be held in 2021, which is one year earlier than currently scheduled, and will utilize the four 12-month test periods beginning January 1, 2017, and ending December 31, 2020. APCo's first review after its Transitional Rate Period will be held in 2020, which is unchanged, and will utilize the three 12-month test periods beginning January 1, 2017, and ending December 31, 2019. The measure also (i) requires the State Corporation Commission (SCC) to enter its final order on petitions for approval of a voluntary rate or rate design test or experiment by the earlier of not more than six months after the filing of the petition or three months after the hearing on the petition; (ii) excludes from the definition of "public utility" for purposes of the Utility Facility Act a company that provides storage of electric energy that is not for sale to the public, if the company is not organized as a public utility; (iii) authorizes an investor-owned electric utility, if a cable operator does not elect to relocate facilities underground when the electric utility relocates its facilities underground, to either convey poles to the cable operator or retain ownership of the poles; (iv) provides that an energy efficiency program proposed by an electric or natural gas 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 any three of four benefit cost tests; (v) exempts large general service customers from being charged any costs of new energy efficiency programs; (vi) establishes a new rate adjustment clause category for expenses of electric distribution grid transformation projects, which include advanced metering infrastructure, intelligent grid devices, automated control systems for electric

distribution circuits and substations, communications networks for service meters, certain distribution system hardening projects, physical security measures at key distribution substations, cyber security measures, certain energy storage systems and microgrids, electrical facilities and infrastructure for electric vehicle charging systems, LED street light conversions, and new customer information platforms; (vii) declares that electric distribution grid transformation projects are in the public interest; (viii) provides that the costs of such projects may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (ix) directs the SCC to approve, without consideration of their reasonableness or prudence, the costs of the conversion of an investor-owned electric utility's existing overhead distribution tap lines with new underground facilities if the average cost per customer does not exceed \$20,000 and the costs per mile do not exceed \$750,000, provided that as of December 31, 2028, any costs recovered by a utility for such purpose is limited to the remaining costs for conversions previously approved or for which approval is pending; (x) requires the SCC to enter an order on a petition for approval of an electric distribution grid transformation project within six months after the petition's filing; (xi) increases the amount of capacity of solar and wind generation facilities constructed by a utility that are in the public interest from 50 megawatts to 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts; (xii) declares that offshore wind generation facilities with a capacity of not more than 16 megawatts, and all onshore wind generation facilities, are in the public interest and that the costs thereof may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (xiii) provides that if DEV has not commenced construction of an offshore wind generation facility by July 1, 2023, the SCC may cease its rate adjustment clause and roll the costs into its rate base without increasing base rates; (xiv) requires certain costs related to generation plant facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters and costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause to be deemed to have been recovered through customer rates during the test period under review unless doing so would place the utility in an under-earning position, in which event the SCC is required to authorize deferred recovery of such costs and allow the utility to amortize and recover the deferred costs over future periods; (xv) bars the SCC, in the first triennial review proceeding conducted after January 1, 2021, from ordering a rate increase for DEV and from ordering a rate decrease of more than \$50 million; (xvi) allows utilities, upon request, to reduce or eliminate amounts of overearnings that otherwise would be required to be credited to customers by applying a customer credit reinvestment offset for expenses on new solar and wind generation facilities and electric distribution grid transformation projects, if the utility has invested in such projects an amount not less than 100 percent of the amount of its overearnings; (xvii) provides that the portion of the costs associated with new utility-owned solar or wind generation facilities or with electric distribution grid transformation projects that are the subject of a customer credit reinvestment offset shall not be thereafter recoverable through the utility's base rates or a rate adjustment clause; (xviii) requires APCo to continue funding its pilot program for energy assistance and weatherization for low-income, elderly, and disabled individuals at no less than the existing levels, and requires DEV to fund its similar pilot program at no less than \$13 million annually; (xix) directs the SCC to find that prior to January 1, 2024, the construction or purchase by a public utility of certain solar or wind generation facilities, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities, is in the public interest, and requires 25 percent of the generation capacity from such facilities to be from the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities owned by persons other than a public utility; (xx) requires all of such solar generation capacity located in the Commonwealth to be subject to competitive procurement but allows a public utility to select solar generation capacity with-

out regard to whether such selection satisfies price criteria if the selection of the solar generating capacity materially advances non-price criteria if such non-price solar generating capacity selected does not exceed 25 percent of the utility's solar generating capacity; (xxi) authorizes a utility to petition the SCC for a prudency determination for a solar or wind project; (xxii) requires electric utilities to file updates to its integrated resource plan (IRP) in each year immediately preceding the year the utility is subject to a triennial review filing rather than annually; and (xxiii) requires each electric utility's IRP to evaluate long-term electric distribution grid planning and proposed electric distribution grid transformation projects and developing a long-term plan for energy efficiency measures to accomplish policy goals of reduction in customer bills, reduction in emissions, and reduction in carbon intensity. The provision creating the customer credit reinvestment offset expires on July 1, 2028. The measure also includes enactment clauses that (a) establish a pilot program consisting of the approval of the underground construction of two electrical transmission lines and direct the SCC to approve as a qualifying project a transmission line that appears to track the I-66 Hybrid Route that has been considered in the application of DEV for the Haymarket transmission line project in Prince William County and approve a rate adjustment clause to allow the utility to recover from the utility's Virginia jurisdictional customers the costs of the project; (b) bar APCo from recovering \$10 million of incurred fuel costs; (c) require DEV to provide current customers voluntary bill credits of \$133 million in 2018 and \$67 million in 2019; (d) require reductions in the rates for incumbent electric utilities to reflect reductions in federal tax liability resulting from the enactment of federal tax legislation, including reductions in 2018 of \$50 million by APCo and \$125 million by DEV; (e) direct the SCC to conduct pilot programs for the deployment of electric power storage batteries with capacity limits of up to 10 MW for APCo and 30 MW for DEV; (f) allow certain large nonresidential customers that enter into a three-year minimum exclusive supply agreement to receive a Manufacturing and Commercial Competitiveness Retention Credit that reduces their base generation charges by two percent; (g) require DEV to consider in its next IRP whether the construction or purchase of one or more generation facilities with at least one MW of generating capacity that use combined heat and power or waste heat to power are in the customer interest; (h) require APCo and DEV to investigate the feasibility of providing broadband Internet services to unserved areas of the Commonwealth using utility distribution and transmission infrastructure; (i) require the SCC to submit annual reports that assess, among other things, new construction and development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight; (j) require APCo and DEV to develop programs of energy conservation measures, with APCo's program costing not less than \$140 million and DEV's program costing not less than \$870 million; (k) require APCo and DEV to each investigate and report upon its economic development activities and assistance provided to Virginia localities in the area of economic development in each utility's respective service area; (l) require APCo and DEV to investigate potential improvements to net energy metering programs; (m) require DEV's IRPs to incorporate policy goals of reduction in customer bills, reduction in emissions, and reduction in the utility's carbon intensity; (n) require the SCC to submit annual reports assessing the reliability of electrical transmission or distribution systems, the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid, the level of investment in generation, transmission, or distribution of electricity, and related matters; (o) provide that the provisions of this measure apply retroactively to applications regarding new underground facilities or offshore wind facilities pending with the SCC on or after January 1, 2018; (p) require APCo, subject to SCC approval, by July 1, 2018, to construct or acquire solar generation facilities in Virginia with an aggregate capacity of not less than 200 MW; (q) provide that no more than one half of the combined capital investment amount attributable to investments in new utility-owned solar or wind generation facilities, electric distribution grid transformation projects, undergrounding distribution facilities, undergrounding two transmission lines, and energy efficiency programs shall be

investments in undergrounding distribution facilities, undergrounding two transmission lines, and electric grid distribution transformation projects solely designed for physical security at distribution substations; and (r) require the SCC to submit reports after each triennial review proceeding that describe and quantify investments in solar and wind projects and in electric distribution grid transformation projects. This bill incorporates SB 855, SB 901, and SB 967.

*Patron - Wagner*

## Failed

**HB33 Electric utility regulation; approval of generating facilities.** Allows the State Corporation Commission, in its consideration of an application for approval of an electrical generating facility, to consider environmental effects not expressly governed by a permit or expressly considered by a permitting authority, including carbon emissions and the overall impacts of new and existing facilities on the health and welfare of the residents of the Commonwealth. The measure also removes provisions that prohibited the Commission from imposing additional conditions with respect to such matters.

*Patron - Kory*

**HB34 Railroads; crew size.** Requires a train or light engine used in connection with the movement of railroad freight in the Commonwealth that shares the same rail corridor as a high-speed passenger or commuter train to operate with a crew of at least two individuals. Localities are prohibited from adopting an ordinance, order, or resolution in conflict with this requirement. The State Corporation Commission shall have discretion to fine a person willfully violating this requirement an amount not to exceed \$500 for a first offense and an amount not to exceed \$1,000 for a second offense or a subsequent offense. The measure has a sunset clause that provides that it will expire on the fifth day following the date that the Federal Railroad Administration issues a rule requiring two-person train crews on crude oil trains and establishing minimum crew size standards for most main line freight and passenger rail operations. The measure has a delayed effective date of October 1, 2018.

*Patron - Heretick*

**HB96 Electric utility regulation; suspension of reviews of earnings; transitional rate period.** Provides that the transitional rate period for Virginia Electric and Power Company (Dominion) will conclude on December 31, 2018, and its next biennial review will be conducted in 2019. The transitional rate period for Dominion currently is scheduled to expire on December 31, 2019, and its next biennial review is scheduled to occur in 2022. The measure does not change the date Appalachian Power's transitional rate period is scheduled to conclude (December 31, 2017) but does advance the year of its next biennial review from 2020 to 2018. During the first biennial reviews after the conclusion of the transitional rate period, the State Corporation Commission shall review the earnings of the utilities during the Transitional Rate Period and order adjustments to rates or credits to customers, if warranted. Pursuant to the 2015 legislation, the State Corporation Commission is barred from conducting a biennial review of the rates, terms, and conditions for any service of an electric utility during its transitional rate period.

*Patron - Rasoul*

**HB244 Public utilities; cell phones; bill notice.** Requires any public utility providing commercial mobile radio service to persons whose billing address is within the Commonwealth to include with each bill a notice stating: "It is unlawful for any person to text or use a handheld personal communications device while operating a motor vehicle in a highway work zone when workers are present." The measure also provides that, for purposes of the provision imposing such requirement, a provider of commercial mobile radio service is a public utility.

*Patron - Austin*

**HB352 Toll rate approval by the State Corporation Commission under the Virginia Highway Corporation Act of 1988.** Requires the State Corporation Commission to ensure that the cost of operating tolled roadways under the Virginia Highway Corporation Act of 1988 is reasonably apportioned across all users on the basis of the relative distance the user travels on the roadway.

*Patron - Reid*

**HB392 Electric utility regulation; solar energy.** Declares that it is in the public interest for the electrical supply of the Commonwealth to include at least 10 percent electricity derived from sunlight from facilities located in the Commonwealth, including distributed generation facilities owned or operated by or on behalf of customers. The measure also increases, from 500 megawatts to 15,000 megawatts, the aggregate rated capacity of solar energy generation facilities located in the Commonwealth as to which their construction or purchase by a utility is in the public interest.

*Patron - Keam*

**HB393 Electric utilities; net energy metering; program cap.** Directs the Department of Mines, Minerals and Energy to track the amount of net metered generation as a proportion of each electric distribution company's adjusted Virginia peak-load forecast for the previous year. The Department is required to make such information publicly available on its website. The measure requires the State Corporation Commission, when the generating capacity of net energy metering program participants reaches one percent of each electric distribution company's adjusted Virginia peak-load forecast for the previous year, to undertake a study of the value of solar energy to the grid, utilities, and the public. Upon completing the study, the Commission is directed to make recommendations to the General Assembly as to what changes, if any, should be made to the net energy metering program. The measure also repeals the existing requirement that the net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the one percent cap is met.

*Patron - Keam*

**HB421 Sale of electricity to occupants of multi-family residential building.** Exempts the owner of a multi-family residential building from regulation as a public utility in connection with its sale of renewable electric energy generated from a facility on or adjacent to the building to the building's occupants or for use in the building's common areas.

*Patron - Sullivan*

**HB436 Electric utilities; mandatory renewable portfolio standard.** Replaces the existing voluntary renewable portfolio standard program with a mandatory renewable portfolio standard program that requires each investor-owned electric utility to generate or purchase, from facilities in the Commonwealth, increasing percentages of electric power that is generated from qualifying renewable sources. The required percentages start at a minimum of 20 percent of the total electric energy sold in 2019. Thereafter the required percentages increase in steps until 2026 and thereafter, in which years at least 80 percent of the total electric energy sold is required to be generated from qualifying renewable sources. A utility that fails to comply with a RPS standard established for a year is required to pay a compliance fee of 10 cents for each kilowatt-hour by which it failed to meet the standard.

*Patron - Sullivan*

**HB586 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-upon 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 - Gooditis*

**HB782 Electric utilities; battery deployment pilot programs.** Requires the State Corporation Commission to conduct pilot programs under which Dominion Energy and Appalachian Power are required to submit proposals to deploy batteries. A utility may recover reasonable and prudent costs through its base rates. The pilot programs will have a duration of five years.

*Patron - Habeeb*

**HB930 Net energy metering; multifamily customer-generators.** Requires the State Corporation Commission, by January 1, 2019, to establish a program of multifamily net energy metering. The program will allow a customer or customers that operate a renewable energy generating facility in a condominium, apartment complex, neighborhood, or homeowners association served by a common distribution circuit to be an eligible multifamily net metering customer-generator. The generation facility for multifamily net metering shall use as its total source of fuel renewable energy; not have an aggregate generation capacity of more than 500 kilowatts; be located on land owned or controlled by the eligible condominium, apartment complex, or homeowners association or on customers' property within the condominium, apartment complex, neighborhood, or homeowners association; be interconnected and operated in parallel with an electric utility's transmission and distribution facilities; and be used primarily to provide energy to metered accounts of the eligible multifamily net metering customer-generator. Eligible multifamily net metering customer-generators are exempt from the monthly standby charge assessed on other eligible customer-generators.

*Patron - Lopez*

**HB963 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 2033 and thereafter, with interim goals that start at 0.25 percent for 2019-2020 and increase in biennial increments of 0.25 percent until 2033. Gas utilities are required to achieve the goal of one percent savings by 2033 and thereafter, with interim goals that start at 0.125 percent for 2019-2020 and increase in biennial increments of 0.125 percent until 2033. 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 2019, though it may adjust the goal for 2019 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*

**HB964 Electric utilities; energy efficiency programs.** Removes the Ratepayer Impact Measure Test from the list of tests that the State Corporation Commission (SCC) is required to consider when determining that an energy efficiency program proposed by an electric utility is in the public interest. The measure provides that the SCC shall consider if the net present value of a program's benefits exceeds the net present value of its costs as determined under the Total

Resource Cost Test, the Utility Cost Test, and the Participant Test.

*Patron - Sullivan*

**HB965 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 program 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*

**HB975 Electric utilities; new generation sources.** Prohibits the State Corporation Commission from issuing a certificate of public convenience and necessity for the construction on or after January 1, 2018, of an electric generating facility unless at least 20 percent of the rated capacity of all electric generation facilities approved in that calendar year, including the facility for which the certificate is requested, will be based on the capacity of the facility or facilities to generate electric power from a renewable energy source.

*Patron - Guzman*

**HB978 Electric utilities; net energy metering; standby charges.** Requires the State Corporation Commission, before approving a supplier's proposed standby charge methodology, to find that a value of solar analysis demonstrates that the standby charges reflect the supplier's net costs or benefits properly associated with serving the customers that have installed a net metered generation facility. The bill specifies that a value of solar analysis determines such net costs or benefits by subtracting the value of all benefits provided to the supplier or the electric grid as a result of the installation and operation of the solar generation facility from the portion of the supplier's infrastructure costs that are properly associated with serving such customers.

*Patron - Guzman*

**HB1060 Electric utilities; net energy metering; program cap.** Repeals the provision that caps the amount of the aggregate rated generating capacity of renewable generating facilities eligible for a net energy metering standard contract or tariff at one percent of each utility's adjusted Virginia peak-load forecast for the previous year.

*Patron - Tran*

**HB1155 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 contract with another person to own or operate, or both, a renewable energy generating facility that (i) uses as its sole energy source solar power, wind

power, or aerobic or anaerobic digester gas; (ii) does not have an aggregate generation capacity of more than one megawatt; and (iii) 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 - Simon*

**[F]HB1187 Natural gas companies; right of entry upon property.** Curtails the ability of a natural gas company to enter upon real property for the purpose of conducting surveys and other tests for its proposed line or the location of facilities. The measure prohibits a natural gas company from entering upon property for such purposes unless the State Corporation Commission (Commission) has issued to it a public use certification, which may be issued only if the Commission finds, among other things, that the company has demonstrated that the pipeline or facility is for a public use. The measure also (i) establishes an expedited procedure for a landowner to seek injunctive relief; (ii) authorizes a landowner to bring a civil action for damages, including liquidated damages of \$500 per day per individual entering or attempting to enter property in violation of applicable requirements; (iii) requires a natural gas company to pay treble damages for any actual damages resulting from a lawful entry; (iv) authorizes the landowner or his agent to accompany surveyors and record or photograph survey activities; (v) requires any notice of intent to enter to set forth the time and location where the first entry will occur and the duration of the surveys; and (vi) requires any request for permission to inspect to be sent at least 21 days prior to any notice of intent to enter and include a description of each type of survey and each entity or agent proposed to make such survey.

*Patron - Hurst*

**[F]HB1202 Electrical transmission lines; approval of underground construction; pilot program.** Establishes a pilot program consisting of the approval of the underground construction of two electrical transmission lines. As a part of the pilot program, the State Corporation Commission (SCC) is directed to approve as a qualifying project a transmission line that appears to track the I-66 Hybrid Route that has been considered in the application of Dominion Energy for the Haymarket transmission line project in Prince William County. The measure establishes criteria to be used by the SCC in approving the second project. The approval of a transmission line satisfies local zoning requirements. The SCC is directed to approve a rate adjustment clause to allow the utility to recover from the utility's Virginia jurisdictional customers the costs of the project that are not otherwise recoverable under existing provisions. The measure directs the SCC to submit annual reports on the pilot program.

*Patron - Hugo*

**[F]HB1215 Electric utilities; solar generation capacity; public interest.** Declares that the construction or purchase of certain solar generation facilities, or the purchase of the energy, capacity, and environmental attributes from the facilities, is in the public interest. An enactment clause states that the development of certain solar generation facilities is encouraged in order to enable ratepayers to obtain the benefit of this energy source during the remaining period of the existing federal investment tax credit.

*Patron - Hugo*

**[F]HB1228 Utility rates; voluntary rate design schedules or riders.** Requires the State Corporation Commission (SCC) to enter its final order on certain petitions filed by an investor-owned electric utility within three months after the date of the hearing of such petition. The measure applies to petitions seeking approval of a schedule or rider for a voluntary rate or rate design test or experiment. An existing exemption to the requirement that each public utility uniformly charge each

of its customers using its service under like conditions allows a utility to implement special rates upon SCC approval of a petition for a voluntary rate or rate design test or experiment.

*Patron - Hugo*

**[F]HB1253 Net energy metering by municipalities.** Authorizes municipal renewable energy net metering projects. Participating municipalities are authorized to aggregate the electric energy load of their governmental buildings, facilities, and any other governmental operations requiring the consumption of electric energy for the purpose of net energy metering from a renewable energy generating facility. To be eligible, the generation facility for the municipal renewable energy net metering project shall use as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas and landfill gas; not have an aggregate generation capacity of more than five megawatts unless a utility elects a higher capacity; be located on land owned, leased, or operated by the municipality; be interconnected and operated in parallel with an electric utility's transmission and distribution facilities; and be used primarily to provide energy to metered accounts of the municipality. The aggregated municipal net metered accounts may be served by multiple meters that are located at separate sites.

*Patron - Tran*

**[F]HB1261 Energy efficiency programs.** Provides 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 any three of four benefit cost tests. The four tests to be considered are the Total Resource Cost Test, the Utility Cost Test, the Participant Test, and the Ratepayer Impact Measure Test. The measure also revises the existing standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility to conform to the provisions for electric utilities.

*Patron - Hugo*

**[F]HB1273 Virginia Alternative Energy and Coastal Protection Act.** Directs the State Air Pollution Control Board to adopt regulations establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. The regulations are required to comply with the Regional Greenhouse Gas Initiative model rule. The measure authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The measure requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Shoreline Resiliency Fund, (ii) to the Virginia SAVES program, (iii) for certain programs in Southwest Virginia, and (iv) for administrative expenses.

*Patron - Bulova*

**[F]HB1490 Fossil fuel projects moratorium; clean energy mandates.** Establishes a moratorium, effective January 1, 2019, on approval by any state agency or political subdivision of any approval required for (i) electric generating facilities that generate fossil fuel energy through the combustion of a fossil fuel resource; (ii) import or export terminals for fossil fuel resources; (iii) certain maintenance activities relating to an import or export terminal for a fossil fuel resource; (iv) gathering lines or pipelines for the transport of any fossil fuel resource that requires the use of eminent domain on private property; (v) certain maintenance activities relating to such gathering lines or pipelines; (vi) refineries of a fossil fuel resource; and (vii) exploration for any type of fossil fuel, unless preempted by applicable federal law. The measure also requires not less than 80 percent of the electricity sold by a retail electric supplier in calendar years 2027 through 2034 to be generated from clean energy resources. In calendar year 2035 and every calendar year thereafter, all of the electricity sold by a retail electric supplier is required to be generated from clean energy resources. The clean energy mandates apply

to a public utility or other person that sells not less than 1,000 megawatt hours of electric energy to retail customers or generates not less than 1,000 megawatt hours of electric energy for use by the person. The Director of the Department of Mines, Minerals and Energy is authorized to bring actions for injunctions to enforce these requirements. The measure also requires the Department to adopt a Climate Action Plan that addresses all aspects of climate change, including mitigation, adaptation, and resiliency. The measure provides that residents of the Commonwealth and organizations shall have the legal standing to sue to ensure that its provisions and any Climate Action Plan are enforced.

*Patron - Rasoul*

**HB1493 Electric utility regulation; recovery of costs of coal combustion by-product management.** Authorizes an investor-owned electric utility to recover, through a rate adjustment clause, its costs of complying with laws, regulations, or judicial or administrative orders applicable to sites associated with the utility's management of coal combustion by-products.

*Patron - O'Quinn*

**HB1503 Community solar generation facilities.** Authorizes the establishment of community solar generation facilities, 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 from a community solar generation facility shall be purchased by the utility in the form of subscription credits allocated to the subscribers. To the extent that a subscriber's subscription credit exceeds the subscriber's electric bill in any billing period, the credit will be applied against future bills.

*Patron - Toscano*

**HB1528 Electric utilities; retail competition.** Reduces the amount of the demand of an investor-owned electric utility's customer that makes the customer eligible to purchase electric power from any licensed supplier from five megawatts to one megawatt. The measure shortens the period that a utility's customer who switches from an investor-owned electric utility to a competing supplier is barred from returning as a customer of its utility from five years to three months. The measure revises the methodology for calculating certain costs for customers of an investor-owned electric utility that receive an exemption from the lock-out period. The measure (i) allows customers of an investor-owned electric utility to purchase 100 percent renewable energy from any licensed supplier and (ii) eliminates the condition that permits such purchases only if the incumbent investor-owned electric utility does not offer a tariff for 100 percent renewable energy. The measure does not change the existing corresponding requirements applicable to cooperative electric utilities.

*Patron - Mullin*

**HB1558 Electric utility regulation.** Provides that, in lieu of the biennial review proceedings previously required, Dominion Energy Virginia (DEV) and Appalachian Power (APCo) will be subject to triennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The measure advances the termination of the Transitional Rate Period for DEV by three years, to December 31, 2016. The termination of the Transitional Rate Period for APCo remains December 31, 2017. DEV's first review after its Transitional Rate Period will be held in 2021, which is one year earlier than currently scheduled, and will utilize the four 12-month test periods beginning January 1, 2017, and ending December 31, 2020. APCo's first review after its Transitional Rate Period will be held in 2020, which is unchanged, and will utilize the three 12-month test periods beginning January 1, 2017, and ending December 31, 2019. The measure also (i) requires the State Corporation Commission (SCC) to enter its final order on petitions for approval of a voluntary rate or rate design test or experiment by the earlier of not more than six months after the filing of the petition or three months after the hearing on the petition; (ii) excludes from the definition of

"public utility" for purposes of the Utility Facility Act a company that provides storage of electric energy that is not for sale to the public, if the company is not organized as a public utility; (iii) authorizes an investor-owned electric utility, if a cable operator does not elect to relocate facilities underground when the electric utility relocates its facilities underground, to either convey poles to the cable operator or retain ownership of the poles; (iv) provides that an energy efficiency program proposed by an electric or natural gas 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 any three of four benefit cost tests; (v) exempts large general service customers from being charged any costs of new energy efficiency programs; (vi) establishes a new rate adjustment clause category for expenses of electric distribution grid transformation projects, which include advanced metering infrastructure, intelligent grid devices, automated control systems for electric distribution circuits and substations, communications networks for service meters, certain distribution system hardening projects, physical security measures at key distribution substations, cyber security measures, certain energy storage systems and microgrids, electrical facilities and infrastructure for electric vehicle charging systems, LED street light conversions, and new customer information platforms; (vii) declares that electric distribution grid transformation projects are in the public interest; (viii) provides that the costs of such projects may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (ix) directs the SCC to approve, without consideration of their reasonableness or prudence, the costs of the conversion of an investor-owned electric utility's existing overhead distribution tap lines with new underground facilities if the average cost per customer does not exceed \$20,000 and the costs per mile do not exceed \$750,000; (x) requires the SCC to enter an order on a petition for approval of an electric distribution grid transformation project within six months after the petition's filing; (xi) increases the amount of capacity of solar and wind generation facilities constructed by a utility that are in the public interest from 50 megawatts to 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts; (xii) declares that electric distribution grid transformation projects, offshore wind generation facilities with a capacity of not more than 16 megawatts, and all onshore wind generation facilities are in the public interest and that the costs thereof may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (xiii) provides that if DEV has not commenced construction of an offshore wind generation facility by July 1, 2023, the SCC may cease its rate adjustment clause and roll the costs into its rate base without increasing base rates; (xiv) requires certain costs related to generation plant facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters and costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause to be deemed to have been recovered through customer rates during the test period under review unless doing so would place the utility in an under-earning position, in which event the SCC is required to authorize deferred recovery of such costs and allow the utility to amortize and recover the deferred costs over future periods; (xv) bars the SCC, in the first triennial review proceeding conducted after January 1, 2021, from ordering a rate increase for DEV and from ordering a rate decrease of more than \$50 million; (xvi) allows utilities to reduce or eliminate amounts of overearnings that otherwise would be required to be credited to customers by applying a customer credit reinvestment offset for expenses on new solar and wind generation facilities and electric distribution grid transformation projects, if the utility has invested in such projects an amount not less than 100 percent of amount of its overearnings; (xvii) provides that costs associated with new utility-owned solar or wind generation facilities or with electric distribution grid transformation projects that are the subject of a customer credit reinvestment offset are not recoverable through the utility's base rates or a rate adjustment clause; (xviii) requires APCo to continue funding its pilot program for energy assistance and weatherization for



low-income, elderly, and disabled individuals at no less than the existing levels, and requires DEV to fund its similar pilot program at no less than \$13 million annually; (xix) directs the SCC to find that prior to January 1, 2024, the construction or purchase by a public utility of certain solar or wind generation facilities, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities is in the public interest, and requires 25 percent of the generation capacity from such facilities to be from the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities owned by persons other than a public utility; (xx) requires all of such solar generation capacity located in the Commonwealth to be subject to competitive procurement but allows a public utility to select solar generation capacity without regard to whether such selection satisfies price criteria if the selection of the solar generating capacity materially advances non-price criteria if such non-price solar generating capacity selected does not exceed 25 percent of the utility's solar generating capacity; (xxi) requires electric utilities to file updates to its integrated resource plan (IRP) in each year immediately preceding the year the utility is subject to a triennial review filing rather than annually; and (xxii) requires each electric utility's IRP to evaluate long-term electric distribution grid planning and proposed electric distribution grid transformation projects and developing a long-term plan for energy efficiency measures to accomplish policy goals of reduction in customer bills, reduction in emissions, and reduction in carbon intensity. The provision creating the customer credit reinvestment offset expires on July 1, 2028. The measure also includes enactment clauses that (a) establish a pilot program consisting of the approval of the underground construction of two electrical transmission lines and directs the SCC to approve as a qualifying project a transmission line that appears to track the I-66 Hybrid Route that has been considered in the application of DEV for the Haymarket transmission line project in Prince William County and approve a rate adjustment clause to allow the utility to recover from the utility's Virginia jurisdictional customers the costs of the project; (b) bar APCo from recovering \$10 million of incurred fuel costs; (c) require DEV to provide current customers voluntary bill credits of \$133 million in 2018 and \$67 million in 2019; (d) require reductions in the rates for incumbent electric utilities to reflect reductions in federal tax liability resulting from the enactment of federal tax legislation, including reductions in 2018 of \$50 million by APCo and \$125 million by DEV; (e) direct the SCC to conduct pilot programs for the deployment of electric power storage batteries with capacity limits of up to 10 MW for APCo and 30 MW for DEV; (f) allow certain large nonresidential customers that enter into a three-year minimum exclusive supply agreement to receive a Manufacturing and Commercial Competitiveness Retention Credit that reduces their base generation charges by two percent; (g) require DEV to consider in its next IRP whether the construction or purchase of one or more generation facilities with at least one MW of generating capacity that use combined heat and power or waste heat to power are in the customer interest; (h) require APCo and DEV to investigate the feasibility of providing broadband Internet services using utility distribution and transmission infrastructure; (i) require the SCC to submit annual reports that assess, among other things, new construction and development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight; (j) require APCo and DEV to develop programs of energy conservation measures, with APCo's program costing not less than \$140 million and DEV's program costing not less than \$870 million; (k) require APCo and DEV to investigate and report upon its economic development activities and assistance provided to Virginia localities in the area of economic development in each utility's respective service area; (l) require APCo and DEV to investigate potential improvements to net energy metering programs; (m) require DEV's IRPs to incorporate policy goals of reduction in customer bills, reduction in emissions, and reduction in the utility's carbon intensity; (n) require the SCC to submit annual reports assessing the reliability of electrical transmission or distribution systems, the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid, the level of investment in generation, transmission, or distribution of electricity, and

related matters; (o) provide that the provisions of this measure apply retroactively to applications regarding new underground facilities or offshore wind facilities pending with the SCC on or after January 1, 2018; (p) require APCo, subject to SCC approval, by July 1, 2018, to construct or acquire solar generation facilities in Virginia with an aggregate capacity of not less than 200 MW; (q) provide that no more than one half of the combined capital investment amount attributable to investments in new utility-owned solar or wind generation facilities, electric distribution grid transformation projects, undergrounding distribution facilities, undergrounding two transmission lines, and energy efficiency programs shall be investments in undergrounding distribution facilities, undergrounding two transmission lines, and electric grid distribution transformation projects solely designed for physical security at distribution substations; and (r) requires the SCC to report after each triennial review on all investments made by the utility during the test period or periods under review in new utility-owned generation facilities utilizing energy derived from sunlight or from onshore or offshore wind and electric distribution grid transformation projects, with analysis of the financial effects of such investments.

*Patron - Kilgore*

**HB1563 Electric utilities.** Advances the date rate reviews are scheduled to resume for Dominion Energy Virginia (DEV) from 2022 to 2021. The review will use the three 12-month test periods beginning January 1, 2018, and ending December 31, 2020. The measure provides that for purposes of the Utility Facility Act a company that owns or operates facilities for the storage of electric energy for sale, including pumped hydroelectric generation and storage facilities in the coalfield region of Virginia, is a public utility. The measure excludes from the definition of "public utility," for purposes of the Utility Facility Act, a company that provides storage of electric energy that is not for sale to the public, if the company is not organized as a public utility. The measure also includes enactment clauses that (i) direct the State Corporation Commission to conduct pilot programs for the deployment of electric power storage batteries; (ii) bar Appalachian Power (AEP) from recovering \$10 million of incurred fuel costs; (iii) direct DEV to provide current customers a one-time bill credit of \$133 million; (iv) require DEV to roll into its base rates certain costs associated with the conversion of certain generation facilities to utilize biomass as fuel; (v) require reductions in the rates for all incumbent electric utilities to reflect reductions in federal tax liability resulting from the enactment of federal tax legislation; and (vi) require DEV and AEP to continue funding for pilot programs for energy assistance and weatherization for low-income, elderly, and disabled individuals.

*Patron - Byron*

**HB1573 Electric utilities; rate adjustment based on changes in corporate income tax rates.** Authorizes the State Corporation Commission to (i) adjust the rates of any investor-owned electric utility to recognize changes in the utility's cost of service associated with the reduction in federal corporate income tax rates resulting from a federal law and (ii) continue to determine income tax costs for any such utility. The measure has an emergency clause.

*Patron - Keam*

**HB1590 Utility regulation; community choice aggregation.** Authorizes localities to establish community choice aggregation programs for electric and natural gas utility service. The measure provides that a locality may aggregate the requirements of residential, commercial, and industrial customers within its boundaries on an opt-in or opt-out basis and permits the customers to purchase electricity or natural gas from the aggregating locality. The measure also provides that any locality may specify a minimum percentage of the aggregated electrical energy that is required to be generated from renewable energy sources when it authorizes the aggregation (i) of the electric energy load of the customers within its boundaries or (ii) of the energy load of its governmental buildings, facilities, and operations, for purposes of negotiating the



purchase of electrical energy requirements from a licensed supplier.

*Patron - Lopez*

**HB1597 Zoning for wireless communications infrastructure.** Establishes limits on the extent to which localities may require zoning approvals for certain wireless support structures. Certain new wireless support structures inside a right-of-way that are 50 feet or less above ground level, designed to support small cell equipment, not in a historic district, and not more than 10 feet taller than existing utility pole within 500 feet in the same right of way, are exempted from requirements that they obtain a special exception, special use permit, or variance. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications; a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonable discrimination; and limits on the number of new wireless support structures. The measure also prohibits localities from adopting a moratorium on considering zoning applications submitted by wireless service providers and wireless infrastructure providers.

*Patron - Gooditis*

**SB9 Electric utility regulation; suspension of reviews of earnings; transitional rate period.** Provides that the transitional rate period for Virginia Electric and Power Company (Dominion) will conclude on December 31, 2018, and its next biennial review will be conducted in 2019. The transitional rate period for Dominion currently is scheduled to expire on December 31, 2019, and its next biennial review is scheduled to occur in 2022. The measure does not change the date Appalachian Power's transitional rate period is scheduled to conclude (December 31, 2017) but does advance the year of its next biennial review from 2020 to 2018. During the first biennial reviews after the conclusion of the transitional rate period, the State Corporation Commission shall review the earnings of the utilities during the Transitional Rate Period and order adjustments to rates or credits to customers, if warranted. Pursuant to the 2015 legislation, the State Corporation Commission is barred from conducting a biennial review of the rates, terms, and conditions for any service of an electric utility during its transitional rate period.

*Patron - Petersen*

**SB191 Net energy metering; eligibility limits.** Increases the cap on the amount of capacity a renewable electric generating facility in an area served by an investor-owned electric utility may have and remain eligible to participate in the net energy metering program. The measure increases such a facility's capacity from the expected annual energy consumption to 125 percent of that consumption based on billing history. In areas served by electric cooperatives, a facility is ineligible to participate in a net energy metering program if its capacity exceeds expected annual energy consumption. If the building to be served by the generating facility is newly constructed, the expected annual energy consumption is based on annual energy consumption at similar buildings. The measure also provides that net metering periods run from June 1 through May 30 and provides that excess generation shall be purchased at a wholesale price determined in accordance with regulations of the State Corporation Commission.

*Patron - Favola*

**SB284 Electric utilities; solar generation capacity; public interest.** Declares that the construction or purchase of certain solar generation facilities, or the purchase of the energy, capacity, and environmental attributes from the facilities, is in the public interest. An enactment clause states that the development of solar generation facilities is encouraged in order to enable ratepayers to obtain the benefit of this energy source during the remaining period of the existing federal investment tax credit.

*Patron - Saslaw*

**SB285 Utility rates; voluntary rate design schedules or riders.** Requires the State Corporation Commission (SCC) to enter its final order on certain petitions filed by an investor-owned electric utility within eight months of the filing of the petition. The measure applies to petitions seeking approval of a schedule or rider for a voluntary rate or rate design test or experiment. An existing exemption to the requirement that each public utility uniformly charge each of its customers using its service under like conditions allows a utility to implement special rates upon SCC approval of a petition for a voluntary rate or rate design test or experiment.

*Patron - Saslaw*

**SB324 Natural gas companies; right of entry upon property.** Curtails the ability of a natural gas company to enter upon real property for the purpose of conducting surveys and other tests for its proposed line or the location of facilities. The measure prohibits a natural gas company from entering upon property for such purposes unless the State Corporation Commission (Commission) has issued to it a public use certification, which may be issued only if the Commission finds, among other things, that the company has demonstrated that the pipeline or facility is for a public use. The measure also (i) establishes an expedited procedure for a landowner to seek injunctive relief; (ii) authorizes a landowner to bring a civil action for damages, including liquidated damages of \$500 per day per individual entering or attempting to enter property in violation of applicable requirements; (iii) requires a natural gas company to pay treble damages for any actual damages resulting from a lawful entry; (iv) authorizes the landowner or his agent to accompany surveyors and record or photograph survey activities; (v) requires any notice of intent to enter to set forth the time and location where the first entry will occur and the duration of the surveys; and (vi) requires any request for permission to inspect to be sent at least 21 days prior to any notice of intent to enter and include a description of each type of survey and each entity or agent proposed to make such survey.

*Patron - Edwards*

**SB646 Electric utilities; fuel factor; gas pipeline capacity.** Directs the State Corporation Commission to disallow an electric utility's request to recover fuel costs resulting from the purchase by the public utility or its affiliate or subsidiary of a greater amount of firm pipeline capacity for natural gas than the Commission finds is appropriate to ensure a reliable supply of natural gas. The measure also directs the Commission to conduct a proceeding to establish the proper amount of natural gas pipeline capacity that an electric utility needs to purchase under firm contract.

*Patron - McPike*

**SB696 Virginia Alternative Energy and Coastal Protection Act.** Directs the State Air Pollution Control Board to adopt regulations establishing a carbon dioxide cap and trade program to reduce emissions released by electric generation facilities. The regulations are required to comply with the Regional Greenhouse Gas Initiative model rule. The measure authorizes the Director of the Department of Environmental Quality to establish, implement, and manage an auction program to sell allowances into a market-based trading program. The measure requires revenues from the sale of carbon allowances, to the extent permitted by Article X, Section 7 of the Constitution of Virginia, to be deposited in an interest-bearing account and to be distributed without further appropriation (i) to the Virginia Shoreline Resiliency Fund, (ii) to the Virginia SAVES program, (iii) for certain programs in Southwest Virginia, and (iv) for administrative expenses.

*Patron - Lewis*

**SB697 Natural gas utilities; right of entry.** Limits the circumstances under which the developer of a natural gas pipeline has the right to enter upon property for survey and study purposes. The measure provides that a public service company or public utility incorporated in the Commonwealth and authorized by the State Corporation Commission (SCC) to provide natural gas distribution service may enter upon prop-

erty to make examinations if the SCC determines that the natural gas pipeline is for a fixed and definite public use. The measure provides that a natural gas pipeline is for a public use if it provides services or products to the public of the Commonwealth. The measure prescribes that a natural gas pipeline that distributes natural gas to persons within the Commonwealth is for a public use and that a pipeline is not for a public use if it (i) distributes natural gas to export facilities or (ii) transports natural gas within or through the Commonwealth and does not distribute natural gas to persons within the Commonwealth. The measure revamps the measure enacted in 2004 that provides to interstate natural gas companies the same limited right of entry for survey and study purposes that is currently granted to intrastate natural gas companies.

*Patron - Edwards*

**SB855 Energy efficiency programs.** Provides 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 any three of four benefit cost tests. The four tests to be considered are the Total Resource Cost Test, the Utility Cost Test, the Participant Test, and the Ratepayer Impact Measure Test. The measure also revises the existing standard for what constitutes a cost-effective conservation and energy efficiency program conducted by a natural gas utility to conform to the provisions for electric utilities. This bill was incorporated into SB 966.

*Patron - Sturtevant*

**SB901 Electric utilities; undergrounding distribution lines; reasonableness and prudence of costs.** States that the General Assembly has determined that (i) the conversion of an investor-owned electric utility's existing overhead distribution tap lines with new underground facilities will provide local and system-wide benefits, (ii) the new underground facilities are cost beneficial, and (iii) the costs associated with the new underground facilities are reasonably and prudently incurred. This legislative determination replaces a provision enacted in 2017 that established a rebuttable presumption regarding these three issues. The measure also directs the State Corporation Commission, in proceedings authorized or required by § 56-585.1, to only consider whether activities, facilities, or projects were or will be subject to proper and required purchasing and construction practices and whether costs proposed for such activities, facilities, or projects are reasonable such that they are attributable to expenses. This directive supersedes provisions enacted in 2007 that authorized the Commission to determine the reasonableness and prudence of costs incurred by a utility. This bill was incorporated into SB 966.

*Patron - Sturtevant*

**SB955 Electric utility regulation; suspension of reviews of earnings; Transitional Rate Period.** Provides that the Transitional Rate Period for Virginia Electric and Power Company (Dominion) will conclude on December 31, 2018, and its next biennial review will be conducted in 2019. The Transitional Rate Period for Dominion currently is scheduled to expire on December 31, 2019, and its next biennial review is scheduled to occur in 2022. The measure does not change the date Appalachian Power's Transitional Rate Period is scheduled to conclude (December 31, 2017) but does advance the year of its next biennial review from 2020 to 2018. During the first biennial reviews after the conclusion of the Transitional Rate Period, the State Corporation Commission shall review the earnings of the utilities by utilizing the two successive 12-month test periods ending December 31 of the year preceding the biennial review. During the first biennial reviews after the conclusion of the Transitional Rate Period, the Commission shall review the earnings of the utility during the Transitional Rate Period and, if warranted, shall order credits to customers, order adjustments to rates, or both. The measure also authorizes the Commission to notify customers of such utilities that (i) the General Assembly has authorized the Commission to conduct biennial reviews of the rates, terms, and conditions for any service of the utility during 2018 or 2019, as applicable,

and (ii) pursuant to a biennial review, the customer may be entitled to a credit on the customer's bill.

*Patron - Petersen*

**SB965 Electric utilities.** Advances the date rate reviews are scheduled to resume for Dominion Energy Virginia (DEV) from 2022 to 2021. The review will use the three 12-month test periods beginning January 1, 2018, and ending December 31, 2020. The measure provides that for purposes of the Utility Facility Act a company that owns or operates facilities for the storage of electric energy for sale, including pumped hydroelectric generation and storage facilities in the coalfield region of Virginia, is a public utility. The measure excludes from the definition of "public utility," for purposes of the Utility Facility Act, a company that provides storage of electric energy that is not for sale to the public, if the company is not organized as a public utility. The measure also includes enactment clauses that (i) direct the State Corporation Commission to conduct pilot programs for the deployment of electric power storage batteries; (ii) bar Appalachian Power (AEP) from recovering \$10 million of incurred fuel costs; (iii) direct DEV to provide current customers a one-time bill credit of \$133 million; (iv) require DEV to roll into its base rates certain costs associated with the conversion of certain generation facilities to utilize biomass as fuel; (v) require reductions in the rates for all incumbent electric utilities to reflect reductions in federal tax liability resulting from the enactment of federal tax legislation; and (vi) require DEV and AEP to continue funding for pilot programs for energy assistance and weatherization for low-income, elderly, and disabled individuals.

*Patron - Newman*

**SB967 Electric utility regulation.** Provides that, in lieu of the biennial review proceedings previously required, Dominion Energy Virginia (DEV) and Appalachian Power (AEP) will be subject to triennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The measure advances the termination of the Transitional Rate Period for DEV by two years, to December 31, 2017. The termination of the Transitional Rate Period for AEP remains December 31, 2017. For DEV, the first review after its Transitional Rate Period will be held in 2021, which is one year earlier than currently scheduled. For AEP, the first review after its Transitional Rate Period will be held in 2020, which is unchanged. In the triennial review proceedings, overearnings that might have been refunded to customers may be reduced by the amounts invested by DEV in certain new solar or wind generation facilities or on electric distribution grid transformation projects. The measure also: (i) excludes from the definition of "public utility" for purposes of the Utility Facility Act a company that provides storage of electric energy that is not for sale to the public, if the company is not organized as a public utility; (ii) authorizes an investor-owned electric utility, if a cable operator does not elect to relocate facilities underground when the electric utility relocates its facilities underground, to either convey poles to the cable operator or retain ownership of the poles; (iii) provides 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 any three of four benefit cost tests; (iv) establishes a new rate adjustment clause category for electric distribution grid transformation project expenses; (v) increases the amount of capacity of solar generation facilities constructed by a utility that are in the public interest from 50 megawatts to 4,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts; (vi) declares that the conversion of an investor-owned electric utility's existing overhead distribution tap lines with new underground facilities are cost beneficial and that related costs are reasonable and prudently incurred if the average cost per customer does not exceed \$20,000 and the costs per mile do not exceed \$750,000; (vii) declares that electric distribution grid transformation projects, offshore wind generation facilities with a capacity of not more than 16 megawatts, and all onshore wind generation facilities are in the public interest and that the costs thereof may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (viii)

provides that in any triennial review certain costs, including costs for certain meters and costs of coal combustion byproduct management, may be deferred for recovery in future periods; (ix) requires the SCC to enter an order on a petition for approval of a solar generation facility within six months after the petition's filing; and (x) allows utilities to avoid being required to credit customers with 70 percent of the amount of overearnings by applying a customer credit reinvestment offset for expenses on new solar and wind generation facilities and electric distribution grid transformation projects. The provision creating the customer credit reinvestment offset expires on July 1, 2028. The measure also includes enactment clauses that (a) establish a pilot program consisting of the approval of the underground construction of two electrical transmission lines and directs the SCC to approve as a qualifying project a transmission line that appears to track the I-66 Hybrid Route that has been considered in the application of DEV for the Haymarket transmission line project in Prince William County and approve a rate adjustment clause to allow the utility to recover from the utility's Virginia jurisdictional customers the costs of the project; (b) require DEV to provide current customers a one-time bill credit of \$133 million; (c) require DEV to roll certain costs associated with the conversion of certain generation facilities to utilize biomass as fuel into its base rates; (d) require reductions in the rates for all incumbent electric utilities to reflect reductions in federal tax liability resulting from the enactment of federal tax legislation; and (e) require DEV and AEP to continue funding for pilot programs for energy assistance and weatherization for low-income, elderly, and disabled individuals. This bill was incorporated into SB 966.

*Patron - Saslaw*

## Carried Over

**HB1252 Renewable energy power purchase agreements; pilot programs.** Requires Kentucky Utilities (KU) to establish a pilot program for certain third party power purchase agreements. The measure provides that participation in the service territories of KU and Appalachian Power Company (APCo) is limited to eligible customer-generators that are (i) exempt under § 501(c)(3) of the Internal Revenue Code; (ii) elementary, middle or secondary schools; or (iii) public or non-profit private institutions of higher education. The bill explicitly prohibits APCo and KU customers that are being served pursuant to subdivision A 5 of § 56-577 of the Code of Virginia from participating in the pilot programs.

*Patron - Kilgore*

**SB82 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 parcels. Currently, an agricultural customer-generator may be served by multiple meters that are located at separate but contiguous sites. The measure increases the generation capacity limit for agricultural net energy metering from 500 kilowatts to one megawatt and adds falling water as a type of generating facility that may be used in agricultural net energy metering. The measure also repeals a provision, added in 2017, that ends the ability of new eligible agricultural customer-generators served by electric cooperatives to commence net energy metering on and after July 1, 2019.

*Patron - Edwards*

**SB83 Renewable energy; third-party power purchase agreements.** Replaces the pilot program initially 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 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*

**SB311 Community solar gardens.** Requires the State Corporation Commission to establish standards for the operation of community solar gardens. A community solar garden is defined in the bill as a solar energy system that (i) has a nameplate capacity of not more than 20 megawatts, (ii) is owned or operated by a subscriber organization, and (iii) generates electricity for subscribers of the community solar garden. The regulations are required, among other things, to (a) establish goals for the generation of electricity by community solar gardens; (b) establish eligibility requirements for subscriber organizations, including a requirement that a subscriber organization have at least 10 subscribers; (c) prohibit a subscriber organization from allowing a subscriber to have a subscription that exceeds 40 percent of a proportional interest in a community solar garden owned or operated by the subscriber organization; (d) prohibit a subscriber organization from allowing subscriptions to a community solar garden that are more than 25 kilowatts to account for more than 40 percent of the total generating capacity of the community solar garden; and (e) require that at least 10 percent of the total generating capacity of community solar gardens be available for use by low-income residential customers or by persons providing services that benefit low-income customers. A subscriber is entitled to a credit on the subscriber's monthly utility bill for the proportional output of the community solar garden attributable to that subscriber for the preceding month; the credit is required to be provided for 25 years. The measure requires utilities to purchase unsubscribed electricity generated by a community solar garden within the service area of the utility.

*Patron - Edwards*

**SB313 Community solar generation facilities.** Authorizes the establishment of community solar generation facilities, 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 from a community solar generation facility shall be purchased by the utility in the form of subscription credits allocated to the subscribers. To the extent that a subscriber's subscription credit exceeds the subscriber's electric bill in any billing period, the credit will be applied against future bills.

*Patron - Edwards*

**SB355 City of Richmond gas utility; service territory.** Designates the areas that constitute the service territory of the City of Richmond's natural gas utility.

*Patron - McClellan*

**SB662 Electric utilities; competition.** Limits the scope of the provision that allows individual retail customers to aggregate or combine their demands in order to meet the five megawatt threshold above which they are permitted to purchase electric energy from any licensed supplier. The measure provides that the demands of individual retail customers may be aggregated or combined to meet this level only if they (i) are served by an electric cooperative with more than 150,000 customer accounts, (ii) have a combined noncoincident peak demand that exceeds 120 megawatts, and (iii) receive service at sites that are within 20 miles of each other.

*Patron - Wagner*

**SB711 Electric utilities; community renewable projects.** Requires the State Corporation Commission to adopt rules under which community renewable projects are authorized to operate. A community renewable project is a solar-powered or wind-powered electric generation facility with a capacity of not more than 20 megawatts that is operated subject to the requirement that the electricity generated by the facility belongs to the project's subscribers. The facility may be owned

either by the investor-owned electric utility or distribution cooperative in whose service territory the facility is located or a for-profit or nonprofit entity, which may be an entity entirely owned by or consisting of subscribers, that contracts to sell the electricity generated by the facility to the retail utility. The measure provides that neither the owner of a project nor its subscribers are public utilities and that prices paid for subscriptions in projects shall not be subject to regulation by the Commission. The measure also requires the retail utility to purchase all of the electricity generated by the project and that the purchase of the electricity by the utility shall take the form of a credit against the utility's electric bill to each of the project's subscribers. Finally, the measure requires the Commission to formulate and implement policies that simultaneously encourage (i) the ownership by customers of subscriptions in projects and of other forms of distributed generation to the extent the Commission finds there to be demand for such ownership; (ii) the development of projects with attributes that the Commission finds result in lower overall total costs for the retail utility's customers; and (iii) the successful financing and operation of subscriber-owned projects.

*Patron - Wexton*

**SB768 Electric utilities; recovery of costs associated with closure in place of coal ash facilities.** Directs that in a biennial review of an investor-owned electric utility by the State Corporation Commission, any costs incurred by an investor-owned electric utility that are associated with closure in place of a coal combustion residuals landfill or surface impoundment are unreasonable and not prudent. The measure prohibits the Commission in such a biennial review from considering any costs associated with the closure in place of such a landfill or impoundment to be period costs expensed on a Virginia jurisdictional basis. The measure also directs that, for purposes of any rate adjustment clause for recovery of environmental costs, costs associated with closure in place of such a landfill or impoundment are not necessary to comply with any environmental law or regulation.

*Patron - Surovell*

**SB808 Electric utilities; Transitional Rate Period; coal combustion residuals landfills.** Shortens the duration of the Transitional Rate Period (Period) for any Phase II Utility. The measure provides that the Period ends December 31, 2017, which is the date the Period is currently scheduled to end for a Phase I Utility. The measure provides that biennial reviews will commence in 2020 for both Phase I and Phase II Utilities, which advances the year of the first post-Period biennial review for a Phase II Utility by two years. The measure also provides that during the first biennial review after the Period, the State Corporation Commission shall determine whether the utility would have owed customers a refund during any test period in the Transitional Rate Period, and, if so, the utility may elect to expense up to 80 percent of costs associated with closure by removal of coal combustion residuals landfill or surface impoundments against its overearnings. The measure requires the owner or operator of any coal combustion residuals unit to submit reports on the costs associated with removal of coal combustion residuals landfill or surface impounds.

*Patron - Surovell*

**SB837 Electric utilities; retail competition.** Reduces the amount of the demand of an investor-owned electric utility's customer that makes the customer eligible to purchase electric power from any licensed supplier from five megawatts to one megawatt. The measure shortens the period that a utility's customer who switches from an investor-owned electric utility to a competing supplier is barred from returning as a customer of its utility from five years to three months. The measure revises the methodology for calculating certain costs for customers of an investor-owned electric utility that receive an exemption from the lock-out period. The measure (i) allows customers of an investor-owned electric utility to purchase 100 percent renewable energy from any licensed supplier and (ii) eliminates the condition that permits such purchases only if the incumbent investor-owned electric utility does not offer a tariff for 100 percent renewable energy. The measure does not

change the existing corresponding requirements applicable to cooperative electric utilities.

*Patron - Suetterlein*

**SB857 Public Rights-of-Way Use Fees; high-speed Internet access.** Allocates a portion of Public Rights-of-Way Use fees collected by the Virginia Department of Transportation and certain localities to be used for the deployment and expansion of high-speed Internet services in underserved areas.

*Patron - Chafin*

## Religious and Charitable Matters; Cemeteries

Passed

**HB48 Charitable solicitations; registration statement.** Requires charitable organizations to include in their annual registration statement (i) a statement indicating the amount of funds expended during the preceding fiscal year to pay for the administrative expenses of the charitable organization, expressed as a dollar amount and as a percentage of the total expenses of the charitable organization, and (ii) a statement indicating the amount of funds expended during the preceding fiscal year that was dedicated to providing charitable services, expressed as a dollar amount and as a percentage of the total expenses of the charitable organization.

*Patron - Krizek*

## State Corporation Commission

Failed

**HB556 State Corporation Commission; intervenor compensation.** Establishes a process under which a public interest organization or a retail customer, including an entity representing retail customers, of a public service company is compensated for its expenses when it intervenes in a State Corporation Commission proceeding that is related to the public service company's provision of utility service. Such intervenor's eligibility for compensation is subject to a finding by the Commission that the intervenor's participation in the proceeding made a substantial contribution to the adoption of the Commission's order or decision, the intervenor's participation in the proceeding without an award of compensation imposes a significant financial hardship, and the intervenor represents an interest material to the proceeding which but for an award of compensation would not be adequately represented.

*Patron - Roem*

**HB561 State Corporation Commission; members.** Increases the number of members of the State Corporation Commission from three to five. The measure requires that one of the new members be initially elected during the 2019 Session of the General Assembly and the other new member be initially elected during the 2021 Session. The measure also requires that persons elected to fill these two new positions be found, based on previous vocation, employment, or affiliation, to be qualified as a representative of the interests of the consumers of the Commonwealth.

*Patron - Roem*

**SB13 State Corporation Commission; intervenor compensation.** Establishes a process under which a public interest organization or a retail customer, including an entity representing retail customers, of a public service company that intervenes in a utility proceeding is compensated for its

expenses. To be eligible for compensation, the Commission is required to find that the intervenor's participation in the proceeding made a substantial contribution to the adoption of the Commission's order or decision, the intervenor's participation in the proceeding without an award of compensation imposes a significant financial hardship, and the intervenor represents an interest material to the proceeding which but for an award of compensation would not be adequately represented.

*Patron - Petersen*

## Carried Over

**SB11 State Corporation Commission; members.** Increases the number of members of the State Corporation Commission from three to five. The measure requires that one of the new members be initially elected during the 2019 Session of the General Assembly and the other new member be initially elected during the 2021 Session. The measure also requires that persons elected to fill these two new positions be found, based on previous vocation, employment, or affiliation, to be qualified as a representative of the interests of the consumers of the Commonwealth.

*Patron - Petersen*

**SB864 State Corporation Commission study of cryptocurrencies; report.** Directs the State Corporation Commission to conduct a study of the effects of the growth of cryptocurrencies. The Commission shall report its findings to the members of the General Assembly by December 1, 2018.

*Patron - Sturtevant*

## Taxation

### Passed

**HB119 Merchants' capital tax; classification.** Creates a separate class for merchants' capital of any wholesaler reported as inventory that is located, and is normally located, in a structure that contains at least 100,000 square feet, with at least 100,000 square feet used solely to store such inventory. Any locality may impose a tax rate on such inventory that is lower than that applicable generally to merchants' capital.

*Patron - Thomas*

**HB124 Real property tax; general reassessment.** Authorizes Bedford County to perform a general reassessment of real property every five or six years instead of every four years.

*Patron - Austin*

**HB129 Worker retraining tax credit; manufacturing instruction for students.** Modifies the worker retraining tax credit by allowing credit to manufacturers conducting a manufacturing orientation, instruction, and training program that is (i) provided to students in grades six through 12, (ii) coordinated with the local school division and certified as qualified for tax credit by the Virginia Economic Partnership Development Authority, and (iii) conducted either at a plant or facility used by the manufacturer or at a public middle or high school in Virginia. The credit would equal 35 percent of the manufacturer's direct costs in providing the program, not to exceed \$2,000 for any year.

The bill provides that the Department of Taxation (the Department) shall not issue more than \$1 million in tax credits per year. Under current law, the Department is authorized to issue up to \$2.5 million in credits each year.

*Patron - Yancey*

**HB154 Commonwealth's tax code; conformity with federal law; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to February 9, 2018. The bill conforms only to certain provisions of Public Law 115-97, known as the "Tax Cuts and Jobs Act," that affect taxable years prior to 2018. The bill conforms to provisions creating an incentive for taxpayers to make contributions to hurricane relief efforts and certain other provisions. The bill also conforms to provisions of Public Law 115-123, known as the "Bipartisan Budget Act of 2018," that affect taxable year 2017. The bill contains an emergency clause and is identical to SB 230.

*Patron - Ware*

**HB179 Bonds issued for the construction of public facilities; municipal authority to retain sales tax revenue from such facilities.** Extends until July 1, 2020, the authority of any municipality to issue bonds for the construction of certain public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. Under current law, such authority expired on July 1, 2017.

*Patron - Collins*

**HB183 Notification of tax return data breach.** Requires paid income tax return preparers to notify the Department of Taxation within a reasonable time period if they discover that an unauthorized person has accessed a taxpayer's return information. The bill defines return information and provides that it does not include publicly available information. This bill is identical to SB 271.

*Patron - Ayala*

**HB190 Real property tax; boards of equalization.** Provides that applications for relief from real property assessments sent electronically to boards of equalization are deemed received on the date applicants send the applications.

*Patron - Hope*

**HB222 Income tax; modification for certain companies; grants.** Establishes an income tax modification for companies that, from 2018 through 2024, either (i) invest at least \$5 million in new capital investment in a qualified locality and create at least 10 jobs paying at least 150 percent of the minimum wage in a qualified locality or (ii) create at least 50 jobs paying at least 150 percent of the minimum wage in a qualified locality. A company is eligible to claim the modification only if it had no property or payroll in Virginia on the effective date of the act.

The bill defines "qualified locality" to include (a) the Counties of Alleghany, Bland, Buchanan, Carroll, Craig, Dickenson, Giles, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe and the Cities of Bristol, Galax, and Norton; (b) the Counties of Amelia, Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, and Prince Edward and the Cities of Danville and Martinsville; (c) the Counties of Accomack, Caroline, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland; and (d) the Counties of Brunswick and Dinwiddie and the City of Petersburg. "Qualified locality" also includes certain real property owned or partly owned by such localities outside of their territorial boundaries.

The bill requires a company to obtain annual certification from the Virginia Economic Development Partnership Authority (the Authority) that the company will have a positive fiscal impact on Virginia, based on consideration of certain factors. It directs the Authority to deny certification to any company that reorganizes for the purpose of taking advantage of the tax benefits provided by the bill.

Generally, the amount of the modification is the value of the company's property and payroll in qualified localities and its sales in Virginia. The bill provides similar modifications for industries that use different apportionment formulas, including motor carriers, financial companies, construction companies, railway companies, manufacturing companies, retailers, and businesses with enterprise data center operations.

Eligibility for the income tax apportionment modifications shall continue for six years following the year in which the company initially makes a modification to its apportionment formula. Continuing eligibility is contingent on the company's maintaining its capital investment and jobs created in qualified localities and obtaining re-certification from the Authority.

The bill permits qualified localities to provide grants and loans to companies that qualify for the modification provided by the bill. The bill also authorizes grants and loans of up to \$2,000 per job per year from the Commonwealth's Development Opportunity Fund to an eligible company.

This bill is identical to SB 883.

*Patron - Morefield*

**HB340** **Agreements for the Loudoun County treasurer to collect and enforce real and personal property taxes on behalf of certain towns.** Authorizes the Loudoun County Board of Supervisors to allow the county treasurer to enter into agreements with towns located partially or wholly within Loudoun County for the collection and enforcement of real or personal property taxes by the county treasurer. This bill is identical to SB 92.

*Patron - LaRock*

**HB365** **Income tax subtraction; Virginia real estate investment trust income.** Establishes an individual and corporate income tax subtraction for income attributable to an investment in a Virginia real estate investment trust, defined in the bill as an investment fund that is certified by the Department of Taxation as investing at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in localities that are either distressed or double distressed. The bill defines a distressed locality as one where the unemployment rate is greater than the statewide average or the poverty rate exceeds the statewide average. The bill defines a double distressed locality as one that satisfies both of the preceding criteria. An income tax subtraction would be available only for an investment made on or after January 1, 2019, but before December 31, 2024. This bill received Governor's recommendations.

*Patron - Rush*

**HB369** **Admissions tax; Wythe County.** Authorizes Wythe County to impose an admissions tax at a rate not to exceed 10 percent to any event held on the grounds of any exposition center that (i) has an indoor arena that seats at least 2,000 persons and an outdoor multipurpose space and (ii) is located on all or part of a parcel of land containing at least 40 acres.

*Patron - Campbell*

**HB373** **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*

**HB495** **Secrecy of tax information; authorizes localities to disclose information to third-party contractors.** Authorizes local commissioners of the revenue, treasurers, directors of finance, or other similar local officials to disclose tax information to nongovernmental entities with which their locality has contracted to provide services that assist it in the administration of refund processing or other non-audit services related to the administration of taxes. The bill prohibits such third-party contractors from disclosing the tax information to other parties.

Under current law, only the Department of Taxation is authorized to disclose tax information to nongovernmental entities with which it has contracted to provide services.

*Patron - Hodges*

**HB538** **Unemployment insurance tax reports and payments; filing.** Directs the Department of Taxation and the Virginia Employment Commission to consider the feasibility of permitting taxpayers to submit tax reports and payments electronically for both the Virginia Employment Commission and the Department of Taxation using a single sign-on. The Department and the Commission shall also consider the feasibility, merits, and costs of developing and implementing an identity management system or retaining a contractor to do so.

*Patron - Freitas*

**HB590** **Real property tax; assessment or exemption of property conveyed or owned by a community land trust.** Requires the assessor, in determining the fair market value of structural improvements conveyed by a community land trust, subject to a ground lease having a term of at least 90 years, while retaining a preemptive option to purchase such structural improvements at a price determined by a formula that is designed to ensure that the improvements remain affordable to low-income and moderate-income families in perpetuity, to consider (i) certain restrictions on the price at which the improvements may be sold and (ii) the amount of loans of the owner of the improvements as evidenced by a deed of trust or leasehold deed of trust on the improvements or underlying real property owned by the community land trust and that earns no interest and requires no repayment prior to satisfaction of any interest-earning promissory note or a subsequent transfer of the property, whichever comes first.

*Patron - Carr*

**HB591** **Land bank entities; real property tax exemption for certain leasehold interests.** Exempts from real property taxation leasehold interests in property acquired or used by a land bank entity.

*Patron - Carr*

**HB665** **Coal tax credits.** Reinstates the Coalfield employment enhancement tax credit. The credit, which expired on July 1, 2016, can be earned on and after January 1, 2018, but before January 1, 2023, and only for metallurgical coal. This bill is identical to SB 378. This bill received Governor's recommendations.

*Patron - Kilgore*

**HB680** **Motor vehicle sales and use tax; semitrailers.** Reduces the minimum motor vehicle sales and use tax on semitrailers from \$75 to \$35. This bill received Governor's recommendations.

*Patron - Pogge*

**HB768** **Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average distributor price upon which the tax is based be no less than what the statewide average distributor price would have been on February 20, 2013. The bill defines "average distributor price." This bill is identical to SB 896.

*Patron - Jones, S.C.*

**HB788 Requirements that paid tax return preparers use identification numbers; civil penalty.** Directs the Department of Taxation (the Department) to require paid tax return preparers to provide their federal Preparer Tax Identification Number (PTIN) when preparing or assisting in preparing tax returns. The bill authorizes the Department to bar or suspend tax return preparers for repeated failure to provide their PTIN and imposes a civil penalty of \$50 for each failure to provide a PTIN, not to exceed \$25,000 per year. The bill requires the Department to promulgate regulations for using the PTIN as an oversight mechanism to identify patterns of fraud. In addition, the bill directs the Department to establish information-sharing protocols with the Internal Revenue Service and authorizes the Department to establish similar protocols with other states.

*Patron - Keam*

**HB798 Income tax; apportionment of sales for debt buyers.** Requires debt buyers, defined in the bill, to apportion their income from the collection of debt to Virginia based on a single sales factor starting with taxable year 2019. Generally, under current law, a taxpayer apportions its income to Virginia based on the ratio of its property, payroll, and sales in Virginia to the same factors in all other states.

Current law requires multistate businesses to apportion income from sales, other than sales of tangible personal property, to Virginia if the income-producing activity is performed only in Virginia or a greater proportion of the income-producing activity is performed in Virginia than in any other state.

The bill provides that all income recovered on debt from a person or entity residing in the Commonwealth shall be apportioned to the Commonwealth for income tax purposes.

*Patron - Davis*

**HB828 Personal property tax; computer equipment and peripherals used in data centers.** Creates a separate classification of tangible personal property, for valuation purposes, for computer equipment and peripherals used in a data center. The classification specifies that the computer equipment and peripherals shall be valued by means of a percentage or percentages of original cost or by any other method that reasonably may be expected to determine fair market value. This bill is identical to SB 268.

*Patron - Bagby*

**HB871 Real property tax; land use valuation.** Provides that (i) land devoted to agricultural use includes land devoted to the sale of products made from plants and animals located on the property, (ii) land devoted to horticultural use includes land devoted to plants and the sale of products made from horticultural items, (iii) the agreement pursuant to soil and water conservation programs that qualifies land as devoted to agricultural or horticultural uses may be made with the Commonwealth, (iv) land designated for use value assessment shall not lose such designation solely because of its location in a newly created zoning district that was not requested by the property owner, and (v) if the state uniform standards for eligibility for real estate devoted to agricultural use or horticultural use require a minimum length of time of a specified use, then the use of other similar property by a lessee of the owner shall be included in calculating such time, and the Commissioner of Agriculture and Consumer Services shall include in the uniform standards a shorter length of time for real estate with no prior qualifying use, provided that the owner submits a written document of the owner's intent regarding use of the real estate containing elements set out in the uniform standards.

*Patron - Orrock*

**HB894 Real property tax; exemption.** Specifies that a single member limited liability company whose sole member is a nonprofit organization is eligible to be considered for a

property exemption by a locality the same as other nonprofit organizations.

*Patron - Webert*

**HB993 Sales tax revenue allocation; increase amount allocated to discretionary spending for airports.** Requires the Aviation Board, during the second six months of each fiscal year, to allocate certain funds from the Commonwealth Airport Fund to all eligible airports on a discretionary basis, except airports owned or leased by the Metropolitan Washington Airports Authority. Current law provides a structure whereby such funds are split between air carrier and reliever airports and general aviation airports. The bill retains this existing structure for the first six months of each fiscal year.

*Patron - Byron*

**HB1022 Personal property tax; definition of agricultural products.** Defines "agricultural products," for the purposes of the classification of tangible personal property for taxation, as any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops. This bill is identical to SB 314.

*Patron - Adams, L.R.*

**HB1092 Tax increment financing; dredging projects.** Specifies that dredging projects are development projects eligible for tax increment financing. A dredging project by or for the Virginia Port Authority is not eligible for such financing unless the Authority has an agreement with a local governing body for local financial participation in the project.

*Patron - Hodges*

**HB1204 Real property tax; open space; special and separate assessment in certain counties.** Requires the assessing official in any county that experienced at least a 14 percent increase in population from 2010 to 2016 to specially and separately assess real property that is devoted to open space use and that contains at least 20 acres on the basis of the actual physical use of the property, if requested to do so by the owner. The measure is effective for taxable years beginning on or after January 1, 2018. This bill was vetoed by the Governor.

*Patron - Hugo*

**HB1372 Green job creation tax credit; extends sunset provision.** Extends through taxable year 2020 the sunset date for the green job creation tax credit. Under current law, the credit expires for taxable years beginning on January 1, 2018. This bill is identical to SB 573.

*Patron - Lopez*

**HB1382 Agricultural best management practices tax credit; refundability for corporations.** Allows taxpayers to apply for a refund of corporate income tax credits received for expenditures for agricultural best management practices. Under current law, corporate income tax credits that exceed the taxpayer's tax liability are not refundable but may be carried forward for up to five years. Furthermore, under current law, individual income tax credits for expenditures related to agricultural best management practices are refundable.

*Patron - Byron*

**HB1441 Taxation of all-terrain vehicles, mopeds, and off-road motorcycles.** Provides that all-terrain vehicles, mopeds, and off-road vehicles shall be subject to the motor vehicle sales and use tax but exempt from the retail sales and use tax. Current law provides that such vehicles are subject to the retail sales and use tax but exempt from the motor vehicle sales and use tax. The motor vehicle sales and use tax would be imposed at the same rate as the state and local sales and use tax: at a rate of six percent in Planning Districts 8 and 23 and 5.3 percent in the rest of the state. The revenues collected from the motor vehicle sales tax on all-terrain vehicles, mopeds, and off-road vehicles would be distributed in the same manner as the state and local retail sales and use tax. The bill has a



delayed effective date of October 1, 2018. This bill is identical to SB 249. This bill received Governor's recommendations.

*Patron - Orrock*

**[P]HB1442 Real property tax; assessment of wetlands.** Directs the commissioner of revenue, when separately and specially assessing wetlands at the request of the property owner and if the assessing official disagrees with the property owner as to the presence of wetlands, to recognize (i) the National Wetlands Inventory Map prepared by the U.S. Fish and Wildlife Service, (ii) a wetland delineation map confirmed by a Preliminary Jurisdictional Determination, or (iii) an Approved Jurisdictional Determination issued by the U.S. Army Corps of Engineers and provided by the property owner.

*Patron - Orrock*

**[P]HB1460 Land preservation tax credits; transfer to a designated beneficiary.** Provides that a person who has unused land preservation tax credits may provide that such credits be transferred to a designated beneficiary upon his death, so long as such person with unused credits is the person who originally earned them. The bill provides that if a person dies without a will, his unused credit shall be transferred according to the rules of intestacy. The bill provides that such transfers are not subject to any fees and retain the same carry-over period as if held by their original owner.

Under current law, a person who has unused land preservation tax credits may transfer them while he is alive. Generally, such transfers are subject to a two percent transfer fee.

*Patron - Fariss*

**[P]HB1495 Real property tax; boards of equalization.** Provides that if a taxpayer applies to the commissioner of the revenue or other official performing the duties imposed on commissioners of the revenue for relief from a real property tax assessment prior to the expiration of the board of equalization's term, and the term of the board of equalization expires prior to a final determination on such application for relief, and the taxpayer advises the circuit court that he wishes to appeal the determination to the board of equalization, then the circuit court may reappoint the board of equalization to hear and act on such appeal.

*Patron - Orrock*

**[P]HB1553 Admissions tax in Washington County.** Clarifies that Washington County is authorized to impose an admissions tax to either a multi-sports complex or an entertainment venue, or both, subject to certain requirements. This bill is identical to SB 503.

*Patron - Pillion*

**[P]HB1605 Disclosure of information under the Master Settlement Agreement and Non-Participating Manufacturer Adjustment Settlement Agreement.** Provides that officers, employees, or agents of the Office of the Attorney General and the Department of Taxation shall share with each other's departments and disclose to the appropriate person or party information in accordance with the Master Settlement Agreement and the Non-Participating Manufacturer Adjustment Settlement Agreement entered into by the Commonwealth on October 10, 2017. The bill provides that any records shared by, collected by, disclosed by, or reported or provided to an officer, employee, or agent of the Office of the Attorney General or the Department of Taxation in accordance with such agreements are exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.). The bill contains a reenactment clause.

*Patron - Kilgore*

**[P]SB69 Transient occupancy tax; Arlington County.** Extends from July 1, 2018, to July 1, 2021, the sunset date for the additional one-fourth of one percent transient occupancy tax authorized in Arlington County.

*Patron - Howell*

**[P]SB92 Agreements for the Loudoun County treasurer to collect and enforce real and personal property taxes on behalf of certain towns.** Authorizes the Loudoun County Board of Supervisors to allow the county treasurer to enter into agreements with towns located partially or wholly within Loudoun County for the collection and enforcement of real or personal property taxes by the county treasurer. This bill incorporates SB 123 and is identical to HB 340.

*Patron - Black*

**[P]SB228 Recapture of deferred real estate taxes.** Clarifies when the amount of real estate taxes deferred pursuant to a local ordinance become due.

*Patron - Howell*

**[P]SB230 Commonwealth's tax code; conformity with federal law; emergency.** Advances conformity of the Commonwealth's tax code with the federal tax code to February 9, 2018. The bill conforms only to certain provisions of Public Law 115-97, known as the "Tax Cuts and Jobs Act," that affect taxable years prior to 2018. The bill conforms to provisions creating an incentive for taxpayers to make contributions to hurricane relief efforts and certain other provisions. The bill also conforms to provisions of Public Law 115-123, known as the "Bipartisan Budget Act of 2018," that affect taxable year 2017. The bill contains an emergency clause and is identical to HB 154.

*Patron - Hanger*

**[P]SB249 Taxation of all-terrain vehicles, mopeds, and off-road motorcycles.** Provides that all-terrain vehicles, mopeds, and off-road vehicles shall be subject to the motor vehicle sales and use tax but exempt from the retail sales and use tax. Current law provides that such vehicles are subject to the retail sales and use tax but exempt from the motor vehicle sales and use tax. The motor vehicle sales and use tax would be imposed at the same rate as the state and local sales and use tax: at a rate of six percent in Planning Districts 8 and 23 and 5.3 percent in the rest of the state. The revenues collected from the motor vehicle sales tax on all-terrain vehicles, mopeds, and off-road vehicles would be distributed in the same manner as the state and local retail sales and use tax. The bill has a delayed effective date of October 1, 2018. This bill is identical to HB 1441. This bill received Governor's recommendations.

*Patron - Dance*

**[P]SB268 Personal property tax; computer equipment and peripherals used in data centers.** Creates a separate classification of tangible personal property, for valuation purposes, for computer equipment and peripherals used in a data center. The classification specifies that the computer equipment and peripherals shall be valued by means of a percentage or percentages of original cost or by any other method that reasonably may be expected to determine fair market value. This bill is identical to HB 828.

*Patron - Dunnavant*

**[P]SB271 Notification of tax return data breach.** Requires paid income tax return preparers to notify the Department of Taxation within a reasonable time period if they discover that an unauthorized person has accessed a taxpayer's return information. The bill defines return information and provides that it does not include publicly available information. This bill is identical to HB 183.

*Patron - Howell*

**[P]SB314 Personal property tax; definition of agricultural products.** Defines "agricultural products," for the purposes of the classification of tangible personal property for taxation, as any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops. This bill is identical to HB 1022.

*Patron - Ruff*

**[P]SB332 Retail sales and use tax; agricultural exemptions.** Amends the existing exemption from sales tax for agri-

cultural produce and eggs sold at a farmers market or roadside stand. Currently, the exemption applies only if the individual selling the produce or eggs has an annual income from such sales of no more than \$1,000. The bill raises this annual income cap to \$2,500.

*Patron - Peake*

**SB376 Entities entitled to voluntary contributions of tax refunds; listing on individual income tax return.** Allows the organization Children of America Finding Hope to be listed on the individual income tax return for taxable years 2018 through 2020 as an organization eligible to receive voluntary contribution of tax refunds, despite the fact that it did not receive at least \$10,000 in contributions in each of the three taxable years when it was previously listed. Beginning in taxable year 2021, Children of America Finding Hope will be listed on the individual income tax return only if it meets the \$10,000 threshold in each of the previous three years.

*Patron - Chafin*

**SB378 Coal tax credits.** Reinstates the Coalfield employment enhancement tax credit. The credit, which expired on July 1, 2016, can be earned on and after January 1, 2018, but before January 1, 2023, and only for metallurgical coal. This bill is identical to HB 665. This bill received Governor's recommendations.

*Patron - Chafin*

**SB430 Real property tax exemption; veterans.** Removes an extraneous reference to deferral in a provision relating to real property tax exemption.

*Patron - Wexton*

**SB485 Certain property deemed exempt from taxation.** Deems certain property owned by the Norfolk Chapter of the Izaak Walton League of America to have been exempt from taxation pursuant to the 1902 Constitution of Virginia. The current Constitution provides that property exempt from taxation on the effective date of the constitutional revisions shall continue to be exempt until otherwise provided by the General Assembly. The bill provides that such exemption shall not be construed to provide the Norfolk Chapter of the Izaak Walton League of America a claim for a refund for any property taxes paid on such property prior to January 1, 2017.

*Patron - Cosgrove*

**SB501 Admissions tax; Wythe County.** Authorizes Wythe County to impose an admissions tax at a rate not to exceed 10 percent to any event held on the grounds of any exposition center that (i) has an indoor arena that seats at least 2,000 persons and an outdoor multipurpose space and (ii) is located on all or part of a parcel of land containing at least 40 acres.

*Patron - Carrico*

**SB503 Admissions tax in Washington County.** Clarifies that Washington County is authorized to impose an admissions tax to either a multi-sports complex or an entertainment venue, or both, subject to certain requirements. This bill is identical to HB 1553.

*Patron - Carrico*

**SB531 Department of Taxation; accelerated refund program.** Requires the Department of Taxation to reestablish an accelerated refund program for taxpayers filing income tax returns in person or via the United States mail with a commissioner of the revenue for taxable years beginning on and after January 1, 2018.

*Patron - Mason*

**SB547 Transient occupancy tax; eligible historic lodging properties.** Authorizes a qualified county to impose, after holding a public hearing, an additional transient occupancy tax not to exceed five percent of the amount of the charge for the occupancy of any room or space occupied at eligible historic lodging properties. An eligible historic lodging

property is defined as a structure that (i) contains 450 or more rooms for overnight lodging, (ii) is located on land exceeding 700 acres, and (iii) at least a portion of which was built prior to 1930. A qualified county is one in which at least 40 percent of employment is in accommodations and food services. Any revenue generated by the tax would be used by the local government to incentivize other entities to invest in substantial rehabilitation, renovation, and expansion projects at eligible historic lodging properties.

*Patron - Hanger*

**SB573 Green job creation tax credit; extends sunset provision.** Extends through taxable year 2020 the sunset date for the green job creation tax credit. Under current law, the credit expires for taxable years beginning on January 1, 2018. This bill is identical to HB 1372.

*Patron - Hanger*

**SB818 Transient occupancy tax; Rockingham County.** Adds Rockingham County to the list of counties that may impose a transient occupancy tax at a rate not to exceed 5%. The revenue attributable to a rate in excess of 2% shall be used solely for tourism and travel purposes. Under current law, all counties may impose a transient occupancy tax at a rate not to exceed 2%.

*Patron - Hanger*

**SB883 Income tax; modification for certain companies; grants.** Establishes an income tax modification for companies that, from 2018 through 2024, either (i) invest at least \$5 million in new capital investment in a qualified locality and create at least 10 jobs paying at least 150 percent of the minimum wage in a qualified locality or (ii) create at least 50 jobs paying at least 150 percent of the minimum wage in a qualified locality. A company is eligible to claim the modification only if it had no property or payroll in Virginia on the effective date of the act.

The bill defines "qualified locality" to include (a) the Counties of Alleghany, Bland, Buchanan, Carroll, Craig, Dickenson, Giles, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe and the Cities of Bristol, Galax, and Norton; (b) the Counties of Amelia, Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, and Prince Edward and the Cities of Danville and Martinsville; (c) the Counties of Accomack, Caroline, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northampton, Northumberland, Richmond, and Westmoreland; and (d) the Counties of Brunswick and Dinwiddie and the City of Petersburg. "Qualified locality" also includes certain real property owned or partly owned by such localities outside of their territorial boundaries.

The bill requires a company to obtain annual certification from the Virginia Economic Development Partnership Authority (the Authority) that the company will have a positive fiscal impact on Virginia, based on consideration of certain factors. It directs the Authority to deny certification to any company that reorganizes for the purpose of taking advantage of the tax benefits provided by the bill.

Generally, the amount of the modification is the value of the company's property and payroll in qualified localities and its sales in Virginia. The bill provides similar modifications for industries that use different apportionment formulas, including motor carriers, financial companies, construction companies, railway companies, manufacturing companies, retailers, and businesses with enterprise data center operations.

Eligibility for the income tax apportionment modifications shall continue for six years following the year in which the company initially makes a modification to its apportionment

formula. Continuing eligibility is contingent on the company's maintaining its capital investment and jobs created in qualified localities and obtaining re-certification from the Authority.

The bill permits qualified localities to provide grants and loans to companies that qualify for the modification provided by the bill. The bill also authorizes grants and loans of up to \$2,000 per job per year from the Commonwealth's Development Opportunity Fund to an eligible company.

This bill is identical to HB 222.

*Patron - Stanley*

**[P]SB896 Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average distributor price upon which the tax is based be no less than what the statewide average distributor price would have been on February 20, 2013. The bill defines "average distributor price." This bill incorporates SB 140 and is identical to HB 768.

*Patron - Wagner*

**[P]SB902 Property tax exemption for solar energy equipment and facilities.** Limits the property tax exemption for solar equipment and facilities owned and operated by a business, which exemption currently applies to 80 percent of the assessed value of certain projects, to those projects equaling less than 150 megawatts. This bill received Governor's recommendations.

*Patron - Lucas*

**[P]SB942 State sales and use tax; Historic Triangle.** Creates a one percent state sales and use tax in the Historic Triangle. Fifty percent of the revenues will be used to market, promote, and advertise the Historic Triangle as an overnight tourism destination and the other 50 percent will be distributed to the localities in which the revenues were collected. The revenues for tourism will be deposited into a fund to be administered by the Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance (the Council), created by the bill. The Council will oversee an office of tourism and will report annually to the chief executive officer of each locality in the Historic Triangle and to the Chairmen of the House Committees on Finance and Appropriations and the Senate Committee on Finance. The bill defines the Historic Triangle as the City of Williamsburg and the Counties of James City and York, an area of historic significance that generates substantial employment and economic benefit for the Commonwealth. The bill removes the authority of these localities to impose the current \$2 transient occupancy tax used to promote tourism in the area. The bill is contingent on the City of Williamsburg repealing recent ordinances raising the local transient occupancy, food and beverage, and admission taxes and will expire if any of the localities in the Historic Triangle raise or reinstate such taxes in the next seven years. This bill received Governor's recommendations.

*Patron - Norment*

## Failed

**[F]HB18 Transient occupancy tax; Arlington County.** Removes the sunset date, July 1, 2018, from Arlington County's authority to impose a transient occupancy tax at a rate not to exceed 0.25% to be used for the purpose of promoting tourism and business travel in the county. Under current law, in addition this tax, Arlington County is authorized to impose a transient occupancy tax at a rate not to exceed 5%.

*Patron - Hope*

**[F]HB24 Sales and use tax exemption; menstrual supplies.** Exempts menstrual supplies from sales and use tax.

*Patron - Boysko*

**[F]HB25 Sales and use tax exemption; menstrual supplies.** Adds menstrual supplies to items, currently including school supplies, clothing, and footwear, that are exempt from sales and use tax each year during a three-day period that begins on the first Friday in August. The bill specifies that menstrual supplies include pads, tampons, and menstrual cups.

*Patron - Boysko*

**[F]HB54 Renewable energy property tax credit.** Establishes, beginning in taxable year 2018, 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 necessary for capturing and converting 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 \$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. However, the amount claimed in a single year would not be allowed to exceed 50 percent of the person's total tax liability. 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 2023.

*Patron - Sullivan*

**[F]HB65 Tax credits for employing individuals released from incarceration for conviction of a felony.** Establishes, for taxable years beginning on and after January 1, 2018, but before January 1, 2023, an individual and corporate income tax credit for taxpayers hiring individuals released from incarceration into new jobs paying an annual salary of at least \$50,000. The bill defines "individual released from incarceration" as a person who was released from incarceration for conviction of a felony within the five years immediately preceding the date on which the person was hired into the new job. The tax credit would equal \$500 each year for five years for each such employee holding the new job continuously throughout the year. No credit would be allowed for any year in which the number of full-time employees of the taxpayer is less than the average annual number of full-time employees of the taxpayer in the immediately preceding three years.

*Patron - McQuinn*

**[F]HB152 Sales and use tax exemption; feminine hygiene products.** Exempts the following feminine hygiene products from sales and use tax: sanitary napkins, tampons, sanitary towels, menstrual cups, and sanitary pads.

*Patron - Kory*

**[F]HB172 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 of ammunition for use in a firearm. Under the bill, a gun safe does not include a glass-faced cabinet.

*Patron - Filler-Corn*

**HB200 Individual income tax; subtraction for employer payment of qualified education loans.** Establishes an individual income tax subtraction, beginning in taxable year 2018, for an unincorporated employer's contribution to the repayment of an employee's education loan. The bill provides that the maximum deduction per year shall be \$5,250.

*Patron - Ayala*

**HB221 Education Improvement Scholarships tax credits; benefits and eligibility requirements for students with a disability.** Broadens eligibility criteria for students with a disability to include students with an Individualized Instructional Plan (IIP) attending a school for students with a disability licensed by the Department of Education and accredited by an agency approved by Virginia Council of Private Education. Under current law, only students who have obtained an Individualized Educational Plan (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA) may meet the criteria for the Education Improvement Scholarships tax credits program. The remaining criteria for students with a disability (residence in Virginia and family household income not more than 400 percent of the poverty level) would continue to apply regardless of whether the student had an IIP or an IEP.

The bill increases the scholarship amount available for an eligible student with a disability from 100 percent to 300 percent of the per-pupil amount distributed to the local school division as the state's share of the standards of quality costs.

*Patron - Miyares*

**HB256 Individual income tax credit and property tax exemption for substantial-capacity solar equipment.** Provides an individual income tax credit and a mandatory property tax exemption for substantial-capacity solar equipment. The bill defines "substantial-capacity solar equipment" and requires a taxpayer to obtain certification from his local building department that such equipment is eligible for exemption. Current law provides an exemption for a broader category of solar energy equipment, facilities, or devices; however, such exemption is permissive for localities and may be partial or full.

The bill provides that a person may claim an income tax credit for his costs associated with substantial-capacity solar equipment if he includes his certification with his tax return. The amount of the credit is the least of \$10,000, 10 percent of the equipment's installed cost, or the person's tax liability. The bill provides that the Department of Taxation shall issue no more than \$500,000 in credits per taxable year, and it does not allow taxpayers to carry unused credit forward. The credit sunsets after taxable year 2022.

*Patron - Guzman*

**HB288 Recordation tax exemption; certain limited liability companies and limited or general partnerships.** Provides a recordation tax exemption for deeds transferring property (i) to a subsidiary limited liability company or partnership from its parent limited liability company or partnership, (ii) from a subsidiary limited liability company or partnership to a parent limited liability company or partnership, (iii) to a limited liability company or partnership from a commonly owned limited liability company or partnership, or (iv) to a limited liability company or limited or general partnership from a commonly owned limited liability company or limited or general partnership, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code and if the transfer is not a precursor or subsequent to a

transfer of control of the assets of the company to avoid recordation taxes.

*Patron - Miyares*

**HB310 Estate tax and the appropriation of its revenues for health care purposes.** Reinstates the estate tax for persons dying on and after July 1, 2018. No estate tax will be imposed on a gross estate if the majority of the assets of the estate are an interest in a closely held business or a working farm. The revenues from the estate tax would be used for health care purposes.

*Patron - Watts*

**HB355 Virginia Fuels Tax Act; refueling vehicles.** Exempts persons properly licensed by the Department of Motor Vehicles from the prohibition on delivering fuel from a transport truck or tank wagon to the fuel tank of a highway vehicle.

*Patron - Reid*

**HB395 Education Improvement Scholarships tax credits; eligibility requirements and scholarship amounts.** Eliminates the requirement that a student must currently attend or have recently attended a public school in order to qualify for a scholarship from a scholarship foundation that provides tax-credit-derived scholarships. The bill increases the maximum annual scholarship amount from 100 percent of the per pupil amount distributed to the local school division as its share of standards of quality costs (i) for a student with a disability, to 400 percent of such amount, and (ii) for a student who has an autism spectrum disorder, to \$26,000. The bill adds to the definition of "qualified educational expenses" expenditures made in connection to summer education.

*Patron - Davis*

**HB409 Taxation; use of gender-neutral terms.** Replaces the terms "husband" and "wife" as well as related terms with gender-neutral terms in Title 58.1 (Taxation) to comport with the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015).

*Patron - Simon*

**HB448 Sales and use tax exemption; menstrual supplies.** Exempts menstrual supplies from sales and use tax.

*Patron - Rodman*

**HB465 Watercraft sales and use tax; rate.** Increases the watercraft sales and use tax rate from 2% to 4.15% and removes the \$2,000 cap on the tax.

*Patron - Carter*

**HB469 Electric vehicle tax credit.** Establishes for taxable years beginning on and after January 1, 2018, a tax credit in the amount of 10 percent of the purchase or lease price of an electric vehicle. The bill defines "electric vehicle" and provides that the credit is nonrefundable, may be carried forward for three years, and shall not exceed \$3,500 per taxpayer. The bill requires the Department of Taxation to cease issuing tax credits for electric vehicles when 20 percent of vehicles registered in Virginia are electric or in taxable year 2023, whichever is sooner.

*Patron - Reid*

**HB490 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 Isaac 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*

**HB512 Accelerated sales and use 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 - Wilt*

**HB526 Local cigarette tax; refund of unused stamps.** Provides that, for localities that impose a local cigarette tax and require stamps as evidence of payment, such localities shall provide a refund for returned stamps only if such stamps are in an undamaged and usable condition. Current law is silent on the condition of returned stamps.

*Patron - Brewer*

**HB529 Sales and use tax revenue; distribution to certain localities.** Adds the City of Chesapeake to those localities authorized to receive the state sales and use tax revenue attributable to certain public facilities. The revenue must be used to pay the cost of bonds issued by the locality for construction of the facility.

*Patron - James*

**HB578 Neighborhood Assistance Act tax credits; phase down credit value.** Reduces the amount of the tax credit from 65 percent of the value of donations to neighborhood organizations for taxable years 2012 through 2017 to (i) 60 percent of such donations for taxable year 2018, (ii) 55 percent of such donations for taxable year 2019, and (iii) 50 percent of such donations for taxable years 2020 and thereafter.

*Patron - Bloxom*

**HB579 Transient occupancy tax; state parks.** Permits localities to impose transient occupancy taxes on transient room rentals and travel campgrounds in state parks. The bill authorizes the Department of Conservation and Recreation to retain up to 15 percent of the amount it collects on behalf of localities from July 2018 through June 2020 to cover its administrative costs.

*Patron - Bloxom*

**HB624 Teacher expenses tax credit.** Establishes a tax credit, for taxable years 2019 through 2023, of up to \$250 for qualifying individuals, defined in the bill as any individual who is a teacher, instructor, counselor, principal, or aide for at least 900 hours during the school year, who paid for classroom materials used in teaching students in kindergarten or an elementary or secondary school, provided that such expenses have not been reimbursed and have not been claimed as a deduction on the qualifying individual's federal tax return.

*Patron - Ayala*

**HB678 Individual income tax subtraction; all retirement income.** Establishes an individual income tax subtraction for all retirement income, whether paid by federal or state government or a private entity. Under current law, retirement income is tax-exempt only if it is (i) federal social security or railroad retirement benefits or (ii) a distribution from a retirement plan that qualifies for tax-preferred status under the federal Internal Revenue Code, but only to the extent that such distribution is subject to income tax in another state.

*Patron - Pogge*

**HB699 Motor vehicle fuels sales tax in certain transportation districts.** Provides that the tax that is imposed on the sales price of motor fuel in Northern Virginia shall be imposed on the regional price of gas, defined and computed as a six-month average price of fuel. The tax shall not be imposed on a regional price that is less than a gallon of gasoline on February 20, 2013, nor shall it be imposed on a price that is more than \$4 per gallon. The bill also raises the rate of taxation of motor fuel in Northern Virginia from 2.1% to 3%.

The bill also 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.

*Patron - Levine*

**HB700 School readiness tax credits.** Establishes tax credits for five categories of expenditures related to school readiness: (i) parents' child care expenses, (ii) child care providers' expenses, (iii) educational development expenses of child care facility directors and staff, (iv) expenses paid by a business to improve child care for its employees' children, and (v) businesses' donations to child care resource and referral agencies. The bill defines "child" to mean a child under the age of six and "child care facility" to mean a facility that primarily serves children under the age of six.

The credits related to child care facilities are only available if the facility has attained at least level two in the Virginia Quality Rating and Improvement System administered by the Department of Social Services. If the facility has attained a higher level, the credits are increased by a multiplier.

The bill directs the Department of Social Services to develop professional development criteria for child care facility directors and staff. The criteria shall consist of four levels representing cumulative advancement in child care skill and shall be designed to ensure high-quality child care in Virginia. The credit for educational development expenses is increased by a multiplier depending on the level that the director or staff has achieved.

The credit for child care expenses is based on a percentage of the federal income tax credit for child care and other dependent care expenses; however, it is reduced based on the parent's income level. The credits for child care expenses, child care providers, and educational development expenses are refundable if the taxpayer's adjusted gross income is less than or equal to \$25,000. Taxpayers that have an adjusted gross income over \$25,000 may carry forward any unused credit for up to five years.

The bill provides that the Department may recapture any credit issued, with interest, from any taxpayer that obtained the credit but failed to meet the applicable criteria.

*Patron - Delaney*

**HB716 Refundable income tax credit for low-income taxpayers.** Allows low-income individuals and married persons to claim a refundable income tax credit equal to 20 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 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 apply to taxable years beginning on and after January 1, 2018.

*Patron - Plum*

**HB792 Income tax; subtraction for military veterans with a permanent service-connected disability.** Establishes for taxable years beginning January 1, 2018, an individual income tax subtraction for the military retirement income of veterans with a 100 percent service-connected, permanent, and total disability. The bill provides that the subtraction is available only for taxpayers whose federal adjusted

gross income is 150 percent or less of the federal poverty level for a four-person household.

*Patron - Miyares*

**HB849 Virginia Lottery; digital vendors.** Authorizes the State Lottery Department (the Department) to establish regulations and procedures providing for the sale of drawing game tickets over the Internet by digital vendors. The bill defines drawing game ticket and digital vendor and restricts digital vendors from charging fees or other charges in addition to the price of a drawing game ticket.

The bill provides that no digital vendor may sell a drawing game ticket without first registering with the Department. The bill establishes criteria for applying for registration and for granting or denying registrations, including requiring applicants to show that they have implemented internal controls that ensure that individuals under the age of 18 are unable to buy a drawing game ticket. The bill establishes additional registration requirements similar to those required for existing lottery retailers. Registration as a digital vendor is valid for one year and is renewable.

The bill establishes civil penalties for the violation of regulations governing digital vendors and requires digital vendors either to be bonded or to provide other surety. Digital vendors are required to contract with a testing laboratory for an annual audit of the effectiveness of their internal controls.

*Patron - Peace*

**HB861 Sales and use tax exemptions; Indian tribes.** Provides a retail sales and use tax exemption for tangible personal property used by Indian tribal governments and provides an exemption to the watercraft sales and use tax for watercraft registered to any member of an Indian tribe who is living on the tribal reservation.

*Patron - Peace*

**HB917 Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.

*Patron - Stolle*

**HB948 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*

**HB970 Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.

*Patron - Guzman*

**HB972 Individual income tax; increase age deduction.** Increases the income tax deduction for seniors from \$12,000 to \$13,000. The bill also indexes for inflation the existing income thresholds of \$50,000 for single taxpayers and \$75,000 for married taxpayers filing jointly. Under current law, the deduction is phased out for taxpayers with adjusted federal adjusted gross income above the threshold. The increase in the deduction and the indexing for inflation shall occur starting with taxable year 2019.

*Patron - Guzman*

**HB1018 Energy storage system tax credit.** Establishes for taxable years 2018 through 2022 an income tax credit for a taxpayer's expenditures on an energy storage system. The bill defines energy storage system and provides that the credit shall not exceed the lesser of (i) \$5,000 for a system on residential property or \$75,000 for a system on commercial property, (ii) 30 percent of the system's total installed cost, or (iii) the taxpayer's tax liability. The bill directs the Department of Mines, Minerals, and Energy (the Department) to establish a process whereby taxpayers apply for certification that their expenditures are eligible for the credit. The bill limits the Department to issuing no more than \$750,000 of tax credits, in aggregate, during a taxable year and directs the Department to approve credits in the order received. The bill prohibits taxpayers from carrying forward unused credit to later taxable years.

*Patron - Toscano*

**HB1051 Communications sales and use tax; services subject to taxation.** Applies the communications sales and use tax to services related to the streaming of audio and visual data, and prepaid calling. The bill also clarifies that the tax applies to communications services regardless of whether customers are charged a subscription fee, a periodic fee, or an actual usage fee.

*Patron - Watts*

**HB1078 Education Improvement Scholarships tax credits; limits eligibility to pre-kindergarten students.** Provides that, on and after June 30, 2018, eligibility for Education Improvement Scholarships shall be limited to children in nonpublic pre-kindergarten programs and those students who received scholarships for the 2017 school year and each year thereafter. Under current law, tax credits are awarded for donations to foundations that use the funds to award scholarships to certain students in grades K-12 who attend nonpublic schools. The bill defines an eligible pre-kindergarten child and a nonpublic pre-kindergarten program and sets out 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, the Virginia Council for Private Education or the Virginia Early Childhood Foundation will certify nonpublic pre-kindergarten programs meeting such curriculum and administrative requirements. The bill provides that the maximum annual scholarship a child will receive is the lesser of his 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.

*Patron - Head*

**HB1083 Motor vehicle fuels sales tax; price floor.** Provides that the 2.1% tax that is imposed on the sales price of motor fuel in Northern Virginia and Hampton Roads shall be imposed on the regional price of gas, defined and computed as the six-month average price of fuel, for each region. The regional price used to calculate the tax shall not be less than the average statewide price of a gallon of unleaded regular gasoline on February 20, 2013.

*Patron - Filler-Corn*

**HB1104 Sales and use tax refund; property to replace or repair business property damaged in a disaster.** Permits any business to apply for a refund of sales and use taxes paid for any property purchased to replace or repair property that was damaged as a result of a disaster for which the Governor makes a declaration of a state of emergency on or after July 1, 2018. The refund applies only to property purchased no later than 180 days after the declaration of a state of emergency. The bill has an expiration date of July 1, 2022.

*Patron - Stolle*

**HB1146 Real property tax; land use valuation.** Reduces from 20 to 15 acres the minimum number of acres for real property to qualify as devoted solely to forest use for the

purpose of land use valuation for the special assessment for land preservation.

*Patron - Wilt*

**HB1165 Education Improvement Scholarships tax credits; pre-kindergarten eligibility.** Expands the Education Improvement Scholarships tax credits program by including, as eligible scholarship recipients, children enrolled in, eligible to attend, or attending nonpublic pre-kindergarten programs. The maximum annual scholarship that a child will receive is the lesser of the child's actual educational expenses or the state's 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 that use the donated funds to award scholarships to certain students in grades K-12 attending nonpublic schools. Eligible scholarship recipients are students in grades K-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 and a nonpublic pre-kindergarten program and 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, the Virginia Council for Private Education, the Virginia Early Childhood Foundation, or the Virginia Department of Social Services will certify nonpublic pre-kindergarten programs meeting such curriculum and administrative requirements.

*Patron - Landes*

**HB1189 Individual income tax; reduction of top marginal rate.** 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 2019.

*Patron - Cline*

**HB1337 Real property tax; deferral in City of Richmond.** Permits taxpayers in the City of Richmond to defer certain real property taxes if the amount of their real property tax has increased by at least 25% since the date of purchase. The amount of deferral is 95% of such increase. The amount deferred must be paid upon transfer of the property or the owner's death.

*Patron - Carr*

**HB1338 Cigarette tax; counties authorized to hold referendum.** Authorizes the board of supervisors of any county to levy a tax on the sale or use of cigarettes if approved in a referendum. If approved, the tax shall not exceed five cents (\$0.05) or the amount levied under state law, whichever is greater.

*Patron - Campbell*

**HB1339 Accelerated sales and use tax payments.** Prohibits any requirement that a dealer remit accelerated sales and use tax payments, except as provided in a general appropriation act under the following circumstances: (i) if payments are required for dealers with sales of \$15 million or less, such threshold may only be reduced by 10 percent the next year; (ii) if the Department of Taxation fails to notify dealers that accelerated payments are due at least nine months in advance, no penalty or interest may be assessed for late payments; and (iii) no penalty or interest may be assessed on a dealer subject to an accelerated payment due to a lowered threshold in the calendar year. If such accelerated payment is required in an appropriation act, a dealer may only be required to pay 90 percent of the dealer's sales and use tax liability for the previous June. The Department shall provide an online application for a dealer to

apply for a hardship waiver. The bill prohibits requiring accelerated payments after June 30, 2020.

*Patron - Head*

**HB1352 Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.** Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax.

*Patron - Thomas*

**HB1356 State transient occupancy tax.** Expands the 2% regional transient occupancy tax in Northern Virginia statewide. Thirty-five percent of the revenue generated from the tax shall be used to fund the Washington Metropolitan Area Transit Authority, and the remaining amount shall be used to fund transit and transportation projects throughout the Commonwealth.

*Patron - Reid*

**HB1363 Historic rehabilitation tax credit; expands availability of credit for projects rehabilitating schools.** Provides that a project may qualify as eligible for the state historic rehabilitation tax credit if it involves rehabilitating property for new use as a school. Current law requires projects to be used either for their historic purpose or for a new use that requires minimal change to the defining characteristics of the building. The bill also provides that for a project rehabilitating a school or a structure to be used as a school expenses incurred in such project shall be eligible for the credit regardless of whether the person who incurs the expenses owns the building. The bill provides that a building qualifies as a historic structure if it is a public school in a school division in which at least half the schools receive funding pursuant to Title I of the federal Elementary and Secondary Education Act. The bill provides that if a project rehabilitates a school, the project qualifies as a material rehabilitation if it costs at least 10 percent of the school's assessed value. Under current law, projects generally must cost at least 50 percent of the assessed value of a building to qualify.

*Patron - Miyares*

**HB1444 Individual income tax; itemization.** Allows an individual taxpayer to itemize for state income tax purposes regardless of whether he itemizes on his federal return. Current law requires a taxpayer to claim the standard deduction on his state return if he claims the standard deduction on his federal return.

*Patron - Pogge*

**HB1448 Special assessment for land preservation; agricultural use.** Provides that the standards adopted by the Commissioner of Agriculture and Consumer Services for the designation of real estate as devoted to agricultural use shall not require that the real estate have been devoted to agricultural production for any amount of time prior to such designation.

*Patron - Guzman*

**HB1498 Sales and use tax exemption.** Provides a sales and use tax exemption on sales of tangible personal property by a nonprofit organization that is a volunteer organization and that is organized exclusively for the purpose of meeting the immediate, emergency, and temporary needs of low-income, unemployed, elderly, and handicapped individuals and fami-



lies, including food, clothing, household items, and financial assistance, where existing agencies cannot do so.

*Patron - Rush*

**[F]HB1545 Metrorail; funding for capital expenses.** Dedicates 15 percent of state recordation tax revenue for capital expenses of the Washington Metropolitan Area Transit Authority (WMATA) for Metrorail. Such dedication is contingent on the Cities of Alexandria, Fairfax, and Falls Church and the Counties of Arlington, Fairfax, and Loudoun paying WMATA for capital expenses for Metrorail an amount equal to each locality's obligation to pay for operating for WMATA.

*Patron - Watts*

**[F]HB1567 Optional county watercraft fee.** Authorizes counties to adopt by ordinance an annual watercraft fee for watercraft and boats that are privately owned, used solely for recreational purposes, and operated, docked, stored, or kept within county limits for more than 180 days per year. The bill provides that the fee shall be calculated according to the length of the boat and shall not exceed \$150 per year.

*Patron - Hodges*

**[F]HB1575 High school apprenticeship tax credit.** Creates a tax credit for a business that hosts a junior or senior in a Richmond City high school as an apprentice for a semester during the 2018-2019 or 2019-2020 academic year. The business would receive a \$2,500 credit per student, per semester. Participation in the program would be limited to 25 students.

*Patron - Bourne*

**[F]HJ102 Study; Department of Veterans Services and Department of Taxation; feasibility of exempting military retirement income from taxation; report.** Requests the Department of Veterans Services and the Department of Taxation (the agencies) to convene a joint working group to study the feasibility of exempting military retirement income from taxation. Under current law, military retirement income is tax-exempt only if the taxpayer is the recipient of a Congressional Medal of Honor.

In their study, the agencies are directed to consider phasing in the exemption over a four-year, five-year, or six-year period or any other period deemed appropriate by the agencies. The agencies are directed to estimate revenue losses associated with an exemption as well as the positive effects on Virginia's current population of veterans and desirability as a state of residence for veterans.

*Patron - Torian*

**[F]SB91 Lottery Board; regulation of casino gaming; penalties.** Authorizes casino gaming in the Commonwealth 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 establishment 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 Road-

way Improvement Project and the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project.

*Patron - Lucas*

**[F]SB115 County food and beverage tax.** Increases from four percent to eight percent the maximum tax that any county is authorized to impose on food and beverages sold by a restaurant, commonly referred to as the meals tax. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. This bill incorporates SB 527.

*Patron - Locke*

**[F]SB123 Agreements for the Loudoun County treasurer to collect and enforce real and personal property taxes on behalf of certain towns.** Authorizes the Loudoun County Board of Supervisors to allow the county treasurer to enter into agreements with towns located partially or wholly within Loudoun County for the collection and enforcement of real or personal property taxes by the county treasurer. This bill was incorporated into SB 92.

*Patron - Wexton*

**[F]SB132 Sales and use tax revenue; distribution to certain localities.** Adds the City of Chesapeake to those localities authorized to receive the state sales and use tax revenue attributable to certain public facilities. The revenue must be used to pay the cost of bonds issued by the locality for construction of the facility.

*Patron - Cosgrove*

**[F]SB139 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]SB140 Motor vehicle fuels sales tax in certain transportation districts; price floor.** Establishes a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia by requiring that the average wholesale price upon which the tax is based be no less than the statewide average sales price on February 20, 2013. This bill was incorporated into SB 896.

*Patron - Petersen*

**[F]SB172 Education Improvement Scholarships tax credits; pre-kindergarten eligibility.** Expands the Education Improvement Scholarships tax credits program by including, as eligible scholarship recipients, children enrolled in or attending nonpublic pre-kindergarten programs. The maximum annual scholarship that a child admitted to, enrolled in, or attending a nonpublic pre-kindergarten program will receive is the lesser of the child's actual educational expenses or the state's 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-12 attending nonpublic schools. Eligible scholarship recipients are students in grades K-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 and a nonpublic pre-kindergarten program and 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 Vir-

ginia Early Childhood Foundation will certify nonpublic pre-kindergarten programs meeting such curriculum and administrative requirements.

The bill also reduces the penalty for failure to fully disburse all donations received from 200 percent of the difference between 90 percent of the value of the donations it received and the amount disbursed to 100 percent of the difference.

This bill incorporates SB 553.

*Patron - Stanley*

**SB192 Virginia Lottery; interception of lottery prizes.** Requires that if the winner of a Virginia Lottery prize of \$25,000 or greater has received cash assistance through the Temporary Assistance for Needy Families program in the immediately preceding five years, the Department of Social Services shall be credited the amount of such assistance from the prize. The Department of Social Services shall use any such credited funds for programs aimed at assisting low-income Virginians in their efforts to become self-sufficient. The bill authorizes the Director of the Virginia Lottery to adopt rules or regulations to implement the provisions of the bill.

*Patron - Peake*

**SB335 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, 2019, 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 taxpayer who is blind or aged may deduct an additional personal exemption in the amount of \$900; current law allows an additional deduction of \$800.

*Patron - Dunnivant*

**SB348 Virginia Lottery; digital vendors.** Authorizes the State Lottery Department (the Department) to establish regulations and procedures providing for the sale of drawing game tickets over the Internet by digital vendors. The bill defines drawing game ticket and digital vendor and restricts digital vendors from charging fees or other charges in addition to the price of a drawing game ticket.

The bill provides that no digital vendor may sell a drawing game ticket without first registering with the Department. The bill establishes criteria for applying for registration and for granting or denying registrations, including requiring applicants to show that they have implemented internal controls that ensure that individuals under the age of 18 are unable to buy a drawing game ticket. The bill establishes additional registration requirements similar to those required for existing lottery retailers. Registration as a digital vendor is valid for one year and is renewable.

The bill establishes civil penalties for the violation of regulations governing digital vendors and requires digital vendors either to be bonded or to provide other surety. Digital vendors are required to contract with a testing laboratory for an annual audit of the effectiveness of their internal controls.

*Patron - Locke*

**SB390 Taxation in the Commonwealth.** Makes numerous changes to the Commonwealth's tax structure. The bill creates two new income brackets for the calculation of individual income taxes and lowers the corporate income tax rate. The tax credit for low-income taxpayers would become refundable, and taxpayers would be prohibited from using the same donation to both receive certain tax credits and take a charitable deduction. The bill reinstates the estate tax. The state sales tax on food would be eliminated, and sales tax would be imposed on certain services and digital products. The transient

occupancy tax would be imposed on the entire cost of the use or possession of the room. The tobacco tax would be raised.

*Patron - Marsden*

**SB473 Income tax; subtraction for military veterans with a service-connected disability.** Establishes for taxable years beginning January 1, 2018, an individual income tax subtraction for the military retirement income of veterans with a 100 percent service-connected disability. The bill provides that the subtraction is available only for taxpayers whose federal adjusted gross income does not exceed 250 percent of the federal poverty level for a four-person household.

*Patron - Reeves*

**SB480 Individual income tax; phased-in subtraction of military retirement income.** Phases in, over a five-year period beginning with taxable year 2018, a subtraction from Virginia taxable income for military retirement income. By taxable year 2022, 100 percent of military retirement income would be exempt from taxation. Under current law, military retirement income is exempt from taxation only if the individual is a recipient of the Congressional Medal of Honor.

*Patron - Reeves*

**SB518 Neighborhood assistance tax credits.** Reduces the amount of the neighborhood assistance tax credit from 65 percent to 50 percent of the value of donations to neighborhood organizations. The reduction will be phased in over a three-year period.

*Patron - Mason*

**SB527 County food and beverage tax.** Increases from four percent to eight percent the maximum tax that any county is authorized to impose on food and beverages sold by a restaurant, commonly referred to as the meals tax. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. This bill was incorporated into SB 115.

*Patron - Mason*

**SB553 Education improvement scholarships tax credits; eligibility; payout penalty.** Expands the education improvement scholarships tax credits program by including as eligible scholarship recipients children who are eligible to enter pre-kindergarten. In addition, the bill reduces the penalty for failure to fully disburse all donations received from 200 percent of the difference between 90 percent of the value of the donations it received and the amount disbursed to 100 percent of the difference. Under current law, foundations must spend at least 90 percent of donations on scholarships in order to avoid the penalty. This bill was incorporated into SB 172.

*Patron - Dunnivant*

**SB579 Tax credits related to education; aggregate cap.** Allocates 20 percent of any unissued credits in a fiscal year under the Education Improvement Scholarships tax credit program to the Superintendent of Public Instruction to be allocated to education programs under the Neighborhood Assistance Act (§ 58.1-439.18 et seq.) tax credit program during the next fiscal year. The 20 percent of unissued credits would be added to the current \$9 million cap for education programs under the Neighborhood Assistance Act tax credit program. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - DeSteph*

**SB687 Motor vehicle sales and use tax; minimum tax.** Lowers the minimum sales and use tax on the sale of a motor vehicle in the Commonwealth from \$75 to \$35.

*Patron - Deeds*

**SB745 Virginia taxable income; standard deduction.** Increases, for taxable years beginning on and after January 1, 2019, but before January 1, 2020, the amount of the standard deduction to \$6,350 for single individuals and \$12,700 for

married couples. Under current law, the standard deduction is \$3,000 for single individuals and \$6,000 for married couples.

In future tax years, the deduction will be adjusted by a percentage equal to the difference in the Consumer Price Index for all urban consumers between the current year and 2019. Despite the indexing, the amount of the deduction will never fall below \$3,000 for individuals or \$6,000 for married persons filing jointly.

*Patron - Sturtevant*

**SB759 Individual income tax rates.** Lowers the rate of taxation for each tax bracket for individual income tax by 10 percent. The reduction will be phased in over the course of three years in which Virginia Gross Domestic Product grows by three percent or more.

*Patron - Sturtevant*

**SB814 Aircraft sales and use tax; cap.** Limits the maximum amount of sales tax and use tax due on an aircraft to \$25,000.

*Patron - Cosgrove*

**SB822 Collection of delinquent amounts due locality.** Amends provisions that currently allow the treasurer in any locality to employ the services of private collection agents to assist with the collection of delinquent local taxes by also including "other charges." The bill also changes from six months to three months the period for which certain taxes or other charges must be delinquent prior to certain collection efforts.

*Patron - Edwards*

**SB869 Education Improvement Scholarships tax credits; benefits and eligibility requirements for students with a disability.** Broadens eligibility criteria for students with a disability to include students with an Individualized Instructional Plan (IIP) attending a school for students with a disability licensed by the Department of Education and accredited by an agency approved by Virginia Council of Private Education. Under current law, only students who have obtained an Individualized Educational Plan (IEP) pursuant to the federal Individuals with Disabilities Education Act (IDEA) may meet the criteria for the Education Improvement Scholarships tax credits program. The remaining criteria for students with a disability (residence in Virginia and family household income not more than 400 percent of the poverty level) would continue to apply regardless of whether the student had an IIP or an IEP.

The bill increases the scholarship amount available for an eligible student with a disability from 100 percent to 300 percent of the per-pupil amount distributed to the local school division as the state's share of the standards of quality costs.

The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - DeSteph*

**SB937 High school apprenticeship tax credit.** Creates a tax credit for a business that hosts a junior or senior in a Richmond City high school as an apprentice for a semester during the 2018-2019 or 2019-2020 academic year. The business would receive a \$2,500 credit per student, per semester. Participation in the program would be limited to 25 students. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Sturtevant*

**SB963 Tax credits for contributions to the Commonwealth Competitiveness Fund.** Establishes the Commonwealth Competitiveness Fund (the Fund) and provides that a taxpayer shall receive an income tax credit in the amount of 90 percent of his contribution to the Fund starting with taxable year 2018. The bill provides that moneys in the fund shall be used for exclusively public purposes and shall be subject to

appropriation by the General Assembly; however, 10 percent of the money in the Fund shall be reallocated to the at-risk add-on based on the concentration of children qualifying for the federal Free Lunch Program.

The bill provides that the credit shall not exceed the taxpayer's tax liability. The bill provides that a taxpayer may not claim a charitable deduction for state tax purposes if he claims a credit under the bill for the same donation to the Commonwealth Competitiveness Fund.

The bill provides that if a federal agency or federal court issues a public ruling, regulation, or court decision that limits the amount allowed for federal tax purposes under the federal charitable contribution deduction, the amount of the state credit shall be limited to the amount as determined by the federal agency or court.

*Patron - Ebbin*

**SB986 Disclosure of information under the Master Settlement Agreement and Non-Participating Manufacturer Adjustment Settlement Agreement.** Provides that officers, employees, or agents of the Office of the Attorney General and the Department of Taxation shall share with each other's departments and disclose to the appropriate person or party information in accordance with the Master Settlement Agreement and the Non-Participating Manufacturer Adjustment Settlement Agreement entered into by the Commonwealth on October 10, 2017. The bill provides that any records shared by, collected by, disclosed by, or reported or provided to an officer, employee, or agent of the Office of the Attorney General or the Department of Taxation in accordance with such agreements are exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.).

*Patron - Edwards*

## Carried Over

**HB747 Sales tax exemption; veterinarians.** Exempts veterinarians from sales and use tax on the purchase or prescription of drugs and medicines.

*Patron - Leftwich*

**HB786 Local taxes; appeal to court.** Provides that on an appeal to court for relief from local taxes, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence. The bill contains technical amendments.

*Patron - Keam*

**HB787 Real property taxes; appeals to boards of equalization.** Provides that on appeal of a real property assessment to a board of equalization, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence.

*Patron - Keam*

**HB966 Taxation in the Commonwealth; income tax, sales tax, and credit for certain local taxes.** Provides, for taxable years 2018 through 2022, a refundable credit against individual and corporate income taxes for a business's aggregate tax liability under the machinery and tools tax, the merchants' capital tax, and the business, professional, and occupational license (BPOL) tax.

The bill imposes a sales tax on all services except business-to-business, educational, health care, and real estate services. The bill requires the Department of Taxation (the Department) to assert the Commonwealth's jurisdictional nexus to tax services to the maximum extent allowed by Virginia and federal law

and requires any person that furnishes services valued at \$5,000 or more during a calendar year to register with the Department as a dealer.

The bill provides that food purchased for human consumption shall be exempt from state sales tax. Under current law, food purchased for human consumption is taxed at a reduced state rate of 1.5 percent and a local rate of 1 percent.

The bill eliminates the lowest two income tax brackets by providing that, starting with taxable year 2019, there shall be no income tax imposed on income of \$5,000 or less.

*Patron - Davis*

**☐HB1557 Intangible personal property; personal property used in manufacturing.** Clarifies that personal property used directly in manufacturing in the locality in which the tax is assessed is classified as intangible personal property. Current law does not require that the property be used directly in manufacturing in order to be considered intangible, nor does it require that the property be in the locality in which manufacturing actually occurs.

*Patron - Pillion*

**☐SB255 License taxes; interest rate for certain refunds.** Authorizes a locality to establish the interest rate for a tax refund due to a taxpayer's overstatement of gross receipts for purposes of determining the amount due for a business license tax at a rate lower than that required for interest on delinquent taxes. Current law requires that the interest rate for a refund of any local tax be at the same rate as set for interest on delinquent taxes.

*Patron - Dance*

**☐SB299 Department of Taxation; reports on sales and use tax exemptions.** Requires the Department of Taxation (the Department) to report annually to the Chairmen of the House Committee on Appropriations and the House and Senate Committees on Finance regarding the fiscal, economic, and policy impact of each sales and use tax exemption. The review of each exemption shall be performed on a rotation basis. No exemption shall be reviewed more than once every five years, but the exemption for computer purchases for use in data centers shall be reviewed every three years. Taxpayers that purchase tax-exempt computer equipment or enabling software for use in a data center shall submit to the Department every three years a list of its exempt purchases, including purchase prices, made during the previous three taxable years.

*Patron - Norment*

**☐SB510 Cigarette tax; counties authorized to hold referendum.** Authorizes the board of supervisors of any county to levy a tax on the sale or use of cigarettes if approved in a referendum. If approved, the tax shall not exceed five cents (\$0.05) or the amount levied under state law, whichever is greater.

*Patron - Carrico*

**☐SB583 Western Virginia Transportation Fund; revenues.** Creates the Western Virginia Transportation Fund (Fund), to be used by the West Virginian Transportation Commission, also created by the bill, to fund transportation projects in Planning Districts 1, 2, 3, 4, 5, 6, and 7. The bill imposes an additional 2.1 percent regional tax on motor vehicle fuels in the counties and cities in such planning districts to generate revenue for the Fund.

*Patron - Hanger*

**☐SB746 Accelerated sales and use tax payments.** Prohibits any requirement that a dealer remit accelerated sales and use tax payments, except as provided in a general appropriation act under the following circumstances: (i) if payments are required for dealers with sales of \$15 million or less, such threshold may only be reduced by 10 percent the next year; (ii) if the Department of Taxation fails to notify dealers that accel-

erated payments are due at least nine months in advance, no penalty or interest may be assessed for late payments; and (iii) no penalty or interest may be assessed on a dealer subject to an accelerated payment due to a lowered threshold in the calendar year. If such accelerated payment is required in an appropriation act, a dealer may only be required to pay 90 percent of the dealer's sales and use tax liability for the previous June. The Department shall provide an online application for a dealer to apply for a hardship waiver. The bill prohibits requiring accelerated payments after June 30, 2020.

*Patron - Sturtevant*

**☐SB879 Intangible personal property; personal property used in manufacturing.** Clarifies that personal property used directly in manufacturing in the locality in which the tax is assessed is classified as intangible personal property. Current law does not require that the property be used directly in manufacturing in order to be considered intangible, nor does it require that the property be in the locality in which manufacturing actually occurs.

*Patron - Chafin*

## Trade and Commerce

### Passed

**☐HB304 Certain fraud crimes; multi-jurisdiction grand jury; Virginia Consumer Protection Act.** Adds the offenses of obtaining money by false pretense, financial exploitation of mentally incapacitated persons, and construction fraud to the prohibited practices under the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

*Patron - Watts*

**☐HB431 Enterprise Zone Grant Program; designation of enterprise zone; amendments to the size of an enterprise zone.** Codifies the minimum size and maximum size of enterprise zones under the Enterprise Zone Grant Program administered by the Department of Housing and Community Development. The bill also provides that amendments to an enterprise zone that include the elimination of an area or areas from the zone shall not exceed the maximum size provisions and shall be reviewed by the Department with the potential impact on affected businesses and property owners given primary consideration.

*Patron - Marshall*

**☐HB911 Automatic renewal offers and continuous service offers; penalties.** Prohibits a supplier making an automatic renewal or continuous service offer to a consumer in the Commonwealth from (i) failing to present the automatic renewal or continuous service offer terms in a clear and conspicuous manner, (ii) charging the consumer for an automatic renewal or continuous service without first obtaining the consumer's affirmative consent, and (iii) failing to provide an acknowledgment that includes the automatic renewal or continuous service offer terms, cancellation policy, and information regarding how to cancel in a manner that is capable of being retained by the consumer. In the case of a material change in the terms of the automatic renewal or continuous service offer, the bill requires the supplier to provide the consumer with a clear and conspicuous notice of the material change and information regarding how to cancel. The measure provides that in any case in which a supplier sends any goods, wares, merchandise, or products to a consumer under a continuous service agreement or automatic renewal of a purchase without first obtaining the consumer's affirmative consent, the goods, wares, merchandise, or products shall for all purposes be deemed an unconditional gift to the consumer. The bill exempts certain services and businesses from its provisions. A violation is a prohibited practice under the Virginia Consumer Protection Act, though a supplier is not subject to civil penal-

ties or damages if the supplier makes a good faith effort to comply with the measure's requirements. The measure has a delayed effective date of January 1, 2019.

*Patron - Simon*

**[P]HB1027 Security freezes; fees.** Reduces the maximum amount that a credit reporting agency may charge to place, remove, or lift a security freeze on a consumer's credit report from \$10 to \$5. This bill is identical to SB 16.

*Patron - Adams, L.R.*

**[P]HB1551 Special Workforce Grant Fund; creation.** Creates the Special Workforce Grant Fund to award grants to certain e-commerce companies that make a capital investment at a facility in Fairfax County of at least \$84 million and create at least 1,500 new full-time jobs at such facility. The grants would be paid out over a period of three years on the basis of investment and job-creation progress. The total aggregate amount of grants that may be paid is \$10.5 million.

*Patron - Landes*

**[P]HB1609 Horse racing and pari-mutuel wagering.** Establishes historical horse racing as a form of horse racing. The bill defines historical horse racing as a form of racing that creates pari-mutuel pools from wagers placed on previously conducted horse races and is hosted at (i) a racetrack owned or operated by a significant infrastructure limited licensee or (ii) a satellite facility that is owned or operated by (a) a significant infrastructure limited licensee or (b) the nonprofit industry stakeholder organization recognized by the Virginia Racing Commission and licensed to own or operate such satellite facilities. The bill establishes retainage fees similar to those already in existence for horse racing and provides for the Commission to promulgate emergency regulations.

*Patron - Webert*

**[P]SB16 Security freezes; fees.** Reduces the maximum amount that a credit reporting agency may charge to place, remove, or lift a security freeze on a consumer's credit report from \$10 to \$5. This bill is identical to HB 1027 and incorporates SB 18, SB 22, SB 38, SB 62, and SB 659.

*Patron - Petersen*

**[P]SB95 Security freezes for protected consumers.** Provides that sufficient proof of authority for a person to place a security freeze for a protected consumer includes a birth certification or a written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of the protected consumer.

*Patron - Surovell*

**[P]SB418 Public safety answering points; deployment of text-to-9-1-1.** Requires each public safety answering point (PSAP), by July 1, 2020, to be able to receive and process calls for emergency assistance sent via text message.

*Patron - Barker*

**[P]SB934 Benefits consortium.** Authorizes an association organized as a nonstock corporation whose members are employers conducting business in the Commonwealth to sponsor a trust. The measure authorizes the trust, called a benefits consortium, to sell benefits plans to its members. To be eligible to sponsor a plan, the association is required to have been actively in existence for 10 years, have at least five members, have been formed for purposes other than obtaining or providing health benefits, and operate as a nonprofit entity. A wholly owned subsidiary of such an entity is eligible to be a sponsoring association. The benefits plans may provide medical prescription drug, dental, and vision coverage for the employees of members and the sponsoring association and their dependents. The benefits may be self-funded or purchased from an insurer. The benefits consortium will be a multiple employer welfare arrangement subject to the provisions of the federal Employee Retirement Income Security Act of 1974. The measure exempts the benefits consortium from state taxation and

insurance regulations. This bill received Governor's recommendations.

*Patron - Dunnivant*

**[P]SB989 Virginia Antitrust Act; exemption for hospitals.** Removes the exemption from the Virginia Antitrust Act that currently exists for certain activities of nonprofit hospitals or their officers, directors, or employees.

*Patron - Wagner*

## Failed

**[F]HB6 Security freezes; elimination of fees.** Prohibits a credit reporting agency from requiring a consumer 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 - Rasoul*

**[F]HB20 Fair Repair Act.** Requires the original equipment manufacturer (OEM) of digital electronic equipment to make available to independent repair providers or owners of equipment manufactured by the OEM the same diagnostic and repair information timely and for no charge, or for the same charge and in the same format the OEM makes available to its authorized repair providers. OEMs are also required to make available for purchase by the owner or an independent repair provider any diagnostic and repair equipment or service parts and tools on fair and reasonable terms. The measure does not apply to motor vehicles. A violation is a prohibited practice under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). The bill has a delayed effective date of January 1, 2019.

*Patron - Cole*

**[F]HB86 Security freezes; fees.** Prohibits a credit reporting agency from requiring a consumer 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 - Bulova*

**[F]HB468 Digital devices; deactivation or alteration of embedded software.** Prohibits the original equipment manufacturer of a digital device from deactivating embedded software, defined in the bill, in the digital device or altering embedded software so as to substantially alter the functioning of the digital device as a response to its being repaired by an independent repair provider.

*Patron - Carter*

**[F]HB1232 Security freezes; fees.** Prohibits a credit reporting agency from requiring a consumer to pay a fee to place a security freeze on the consumer's credit report if the consumer has not previously requested the placement of a security freeze from the consumer reporting agency. Currently, a consumer may be required to pay a fee of no more than \$10 to place a security freeze on his credit report. The measure does not prohibit a consumer reporting agency from charging a fee to temporarily lift or to remove a security freeze or to place a security freeze on the consumer's credit report if it is the second or subsequent request for placement of a security freeze. Victims of identity theft are currently exempt from the fee.

*Patron - Hayes*

**[F]HB1269 Electronic Identity Management Act; federated digital identity systems.** Amends the Electronic Identity Management Act to accommodate federated digital identity systems. A federated digital identity system (federation) is defined in the measure as a digital identity system that uses federated identity management to enable the portability of identity information across otherwise autonomous security domains. Federated identity management is defined in the mea-

sure as a process that allows the conveyance of identity credentials and authentication information across digital identity systems through the use of a common set of policies, practices, and protocols for managing the identity of users and devices across security domains. The digital identity systems involved in a federation are required to be compliant with the Commonwealth's identity management standards and with the provisions of the governing identity trust framework.

*Patron - Levine*

**[F]HB1588 Virginia Consumer Protection Act; notice of data breach.** Makes the failure by a consumer reporting agency to disclose within 15 days a breach of the security of a computerized data system, when such disclosure is required by § 18.2-186.6, a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Convors-Fowler*

**[F]SB18 Security freezes; fees.** Prohibits a credit reporting agency from requiring a consumer to pay a fee to place a security freeze on the consumer's credit report if the consumer has not previously requested the placement of a security freeze from the consumer reporting agency. Currently, a consumer may be required to pay a fee of no more than \$10 to place a security freeze on his credit report. The measure does not prohibit a consumer reporting agency from charging a fee to temporarily lift or to remove a security freeze or to place a security freeze on the consumer's credit report if it is the second or subsequent request for placement of a security freeze. Victims of identity theft are currently exempt from the fee. This bill was incorporated into SB 16.

*Patron - Spruill*

**[F]SB22 Security freezes; fees.** Prohibits a credit reporting agency from requiring a consumer 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. This bill was incorporated into SB 16.

*Patron - Surovell*

**[F]SB38 Security freezes; fees.** Prohibits a credit reporting agency from requiring a consumer 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. This bill was incorporated into SB 16.

*Patron - McPike*

**[F]SB62 Security freezes; fees.** Prohibits a credit reporting agency from requiring a consumer 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. This bill was incorporated into SB 16.

*Patron - Favola*

**[F]SB90 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*

**[F]SB654 Virginia Health Club Act; automated external defibrillator required in health clubs.** Requires each health club location to have a working automated external defibrillator.

*Patron - McPike*

**[F]SB659 Security freezes; fees.** Prohibits a credit reporting agency from requiring a consumer 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. This bill was incorporated into SB 16.

*Patron - Wagner*

**[F]SB690 Debit card holds; disclosures.** Requires a merchant that initiates a hold on a debit card transaction that is more than 25 percent of the actual transaction, or \$50, whichever is greater, to disclose at the time and point of the sale that a hold will be placed on the cardholder's debit card account. If the hold is placed on an account due to a transaction occurring at an unmanned remote terminal, then the disclosure is required to be conspicuous at the place where the transaction occurs. In cases where the hold is part of a contractual agreement, the notice is required to be conspicuous on the written document. A violation constitutes a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Deeds*

## Carried Over

**[C]SB799 Virginia Gaming Commission; regulation of charitable gaming; administration of fantasy contest registrations.** Establishes the Virginia Gaming Commission (Commission) and vests the Commission with the control and regulation of charitable gaming in the Commonwealth and the administration of fantasy contest registrations. Currently the control of charitable gaming and the administration of fantasy contest registrations is vested in the Department of Agriculture and Consumer Services and the Charitable Gaming Board. The bill establishes the Virginia Gaming Fund as a special fund to be used solely for (i) administering and enforcing charitable gaming laws and regulations and fantasy contest registrations, (ii) educating charitable organizations and players, and (iii) promoting charitable gaming in Virginia. The bill also requires the Commission 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 Commission is required to enter into a memorandum of understanding with the Department of State Police to provide for the investigation by the Department of any illegal gaming or gambling activity prohibited by Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2.

*Patron - Cosgrove*

## Unemployment Compensation

### Passed

**[P]HB1293 Unemployment compensation; penalty for failure to file reports.** Increases the penalty, from \$75 to \$100, that the Virginia Employment Commission is required to assess an employer who fails to file a report required under Title 60.2 (Unemployment Compensation) with respect to wages or taxes.

*Patron - Delaney*

**[P]SB51 Income withholding orders.** Repeals the requirement, enacted in 1993, that an employer request that each new employee disclose whether the employee has an income withholding order. This requirement has been superseded in practice by requirements that an employer submit information about new hires to the Virginia New Hire Reporting Center within 20 days of the employee's hire date. Under the current system, relevant data in the State Directory of New Hires and the National Directory of New Hires is used by the Division of Child Support Enforcement to issue orders enforcing child support obligations. This bill is a recommendation of the Virginia Code Commission.

*Patron - Edwards*

### Failed

**[F]HB120 Unemployment compensation; wage offset.** Provides that the weekly unemployment benefit to which an eligible individual is entitled shall be reduced on a dollar-for-dollar basis by any wages in excess of \$100 that the individual earns in that week. Currently such benefit is reduced dollar-for-dollar by wages in excess of \$50 earned in a week.

*Patron - Rasoul*

**[F]HB1391 Unemployment compensation; overtime compensation.** Excludes from the definition of wages any part of the individual's remuneration paid as overtime compensation required by § 207 of the federal Fair Labor Standards Act. The exclusion applies only for purposes of computing the weekly benefit amount based on an individual's earned wages for insured work subsequent to December 31, 2018.

*Patron - Head*

**[F]HB1562 Unemployment compensation; failure of employing unit to furnish reports; penalty.** Provides that an employing unit that willfully fails or refuses to furnish a report required by the Unemployment Compensation Act or to produce or permit the inspection or copying of records is liable to a penalty of \$1,000 for each offense. The measure also authorizes the Commissioner of the Virginia Employment Commission to order an employer that continues to violate such provisions after three days' notice to cease and desist all business transactions and operations until it is found to be in compliance.

*Patron - Lopez*

**[F]SB968 Unemployment compensation; failure of employing unit to furnish reports; penalty.** Provides that an employing unit that willfully fails or refuses to furnish a report required by the Unemployment Compensation Act or to produce or permit the inspection or copying of records is liable to a penalty of \$1,000 for each offense. The measure also authorizes the Commissioner of the Virginia Employment Commission to order an employer that continues to violate such provisions after three days' notice to cease and desist all business transactions and operations until it is found to be in compliance.

*Patron - McPike*

## Carried Over

**[C]SB790 Virginia Employment Commission; development of a plan for a paid family-medical leave program.** Requires the Virginia Employment Commission (VEC), in consultation with a work group composed of representatives of interested groups, to develop a plan for a program for private employers in the Commonwealth with 50 or more salaried employees to offer paid family-medical leave for their employees. The measure requires the VEC to submit its plan to the General Assembly by December 1, 2018.

*Patron - Favola*

## Waters of the State, Ports and Harbors

### Passed

**[P]HB211 Ground water withdrawal permit term; lengthening to 15 years; permit fee.** Lengthens from 10 years to 15 years the maximum term of a ground water withdrawal permit issued by the State Water Control Board. The bill also lengthens from 10 years to 15 years the maximum term of a ground water withdrawal special exception and directs the Board to raise the applicable permit fee from \$6,000 to \$9,000. The bill contains technical amendments.

*Patron - Wright*

**[P]HB358 Ground water management; subdivisions; technical evaluation.** Requires the developer of a subdivision located in a designated ground water management area for which the developer obtains plat approval on or after July 1, 2018, to apply for a technical evaluation, with certain criteria, from the Department of Environmental Quality prior to final subdivision plat approval if there will be 30 or more lots within the subdivision served by private wells.

*Patron - Bulova*

**[P]HB377 Virginia Water Protection Permit; exception for stormwater management facility on dry land.** Exempts from the requirement to obtain a Virginia Water Protection Permit any impact to a stormwater management facility on dry land. The bill directs the Department of Environmental Quality to adopt guidance to ensure that any project claiming this exemption creates no more than minimal ecological impact.

*Patron - Bulova*

**[P]HB925 Municipal separate storm sewer systems; industrial and high-risk programs.** Authorizes any locality that owns or operates a permitted municipal separate storm sewer system (MS4) to adopt and administer an industrial and high-risk runoff program. The bill authorizes any such locality to include in its industrial and high-risk program an industrial or commercial facility notwithstanding the fact that the facility is also subject to certain permits or the federal Emergency Planning and Community Right-to-Know Act. The bill limits the ability of the State Water Control Board (the Board), unless it is required to do so by federal law, to impose certain regulatory conditions on any locality that administers such a program and prohibits the Board from modifying existing MS4 permits to avoid such limitation. The bill authorizes the Board to require a locality to report an industrial or commercial facility if it becomes aware of a violation of an industrial stormwater management requirement.

*Patron - Bulova*

**[P]HB1035 Virginia Water Supply Revolving Fund; preference in Eastern Virginia for projects not involving withdrawal of groundwater from certain aquifers.** Directs



the Board of Health, when making loans, loan subsidies, or grants for regional water projects in the Eastern Virginia Groundwater Management Area, to give preference to projects that do not involve the withdrawal of groundwater from the coastal plain aquifer.

*Patron - Hodges*

**[P]HB1036 Eastern Virginia groundwater management; trading work group.** Directs the Department of Environmental Quality (the Department) to convene a work group to (i) assist the Department in carrying out the 2017 recommendation of the Eastern Virginia Groundwater Management Advisory Committee that an aquifer storage and recovery banking system be developed and (ii) study and identify the components of a groundwater trading program. The work group shall report its recommendations no later than July 1, 2020.

*Patron - Hodges*

**[P]HB1091 Virginia Resources Authority; dredging projects.** Includes within the definition of the term "project" any dredging program or project undertaken to benefit the economic and community development goals of a local government, other than a dredging program or dredging project undertaken for or by the Virginia Port Authority.

*Patron - Hodges*

**[P]HB1095 Chesapeake Bay public water access authorities; regional dredging.** Authorizes the Middle Peninsula Chesapeake Bay Public Access Authority and the Northern Neck Chesapeake Bay Public Access Authority to undertake dredging projects and authorizes those public access authorities and the Eastern Shore Water Access Authority, which currently is empowered to undertake dredging projects, to work together in any combination to undertake dredging projects in any of their jurisdictions.

*Patron - Hodges*

**[P]HB1096 Dredged material siting; fast-track permitting program.** Directs the Marine Resources Commission to develop a fast-track regulatory permitting program for the selection and use of appropriate sites in Tidewater Virginia for the disposal of material dredged in such region, to be effective no later than July 1, 2019.

*Patron - Hodges*

**[P]HB1206 State Water Control Board; Virginia Pollutant Discharge Elimination System; abbreviated newspaper notice.** Authorizes the newspaper publication, if the permit applicant so elects, of an abbreviated public notice of certain Virginia Pollutant Discharge Elimination System permits, each with a link to the full public notice on the website of the Department of Environmental Quality. Current law requires the publication of such notice in a newspaper once a week for two successive weeks.

*Patron - Cline*

**[P]HB1307 Stormwater management; rural Tidewater; tiered approach to water quantity technical criteria; impervious cover percentage.** Allows any rural Tidewater locality, as defined in the bill, to comply with water quantity technical criteria for certain land-disturbing activities based on the percentage of impervious cover in the watershed. The bill provides that any eligible locality electing to use certain control standards shall, by ordinance, adopt an official map that indicates the percentage of impervious cover in each watershed within the locality and shall update the map at least annually. The bill allows any such locality to apply one of the following three standards for managing water quantity to any new development project: (i) if the site, as indicated on the map, has less than 5.0 percent impervious cover, the standard shall be a particular State Water Control Board regulation; (ii) if the watershed has 5.0 percent or more but less than 7.5 percent impervious cover, the standard shall be the one-year, 24-hour release method; and (iii) if the watershed has 7.5 percent or more impervious cover, the standard shall be the energy bal-

ance method. The bill provides that any project whose construction would cause the watershed in which it is located to step up to the next higher tier shall be evaluated under the energy balance method or a more stringent alternative.

The bill also directs the Department of Environmental Quality to use an appropriate new or existing Regulatory Advisory Panel to assist in clarifying the interpretation and application of the MS-19 standard.

*Patron - Hodges*

**[P]HB1308 Stormwater; local plan review; acceptance of signed plan in lieu of review.** Authorizes any rural Tidewater locality, whether or not it has opted out of administering a stormwater or erosion and sediment control program, to require that a licensed professional retained by the applicant submit a set of plans and supporting calculations for land-disturbing activities that disturb 2,500 square feet or more but less than one acre of land. The bill requires the plans to bear a certification and to be signed and sealed by the professional. The locality is authorized to accept such plans in satisfaction of the local plan review requirement. The bill also directs the Department of Environmental Quality to examine the possibility of expanding the use of the agreement in lieu of a stormwater management plan, currently authorized for use in the construction of certain single-family residences, to include any nonresidential development site of less than one acre in a rural Tidewater locality.

*Patron - Hodges*

**[P]SB344 Sewerage systems; state adoption of federal criteria.** Directs the State Water Control Board (the Board) not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the Criteria) unless the Board includes in such adoption a phased implementation program consistent with the federal Clean Water Act with certain funding and timing considerations. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. The bill provides that the inclusion of the implementation program in the Board's current regulatory action shall not require proposal of the current action. This bill is identical to HB 1475.

*Patron - Peake*

**[P]SB576 Stream restoration; standards and specifications.** Allows a person engaging in more than one jurisdiction in the creation and operation of a stream restoration project for purposes of reducing nutrients or sediment entering state waters the same opportunity to submit standards and specifications for Department of Environmental Quality approval that describe how land-disturbing activities shall be conducted as an alternative to submitting soil erosion control and stormwater management plans as allowed in current law to a person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers. The bill also authorizes such person to file general erosion and sediment control standards and specifications for review and approval consistent with guidelines established by the State Water Control Board.

*Patron - Hanger*

**[P]SB693 Virginia Waterway Maintenance Fund; Grant Program.** Establishes the Virginia Waterway Maintenance Grant Program and Fund, administered by the Virginia Port Authority (the Authority), to provide grants to political subdivisions and local governing bodies that propose certain

dredging projects and related activities. The bill directs the Authority to manage the grant program by developing guidelines and procedures for the application process and for the awarding of annual grants.

*Patron - Lewis*

**SB698 Erosion and sediment control; inspections; natural gas pipelines; stop work instructions.** Authorizes the Department of Environmental Quality (the Department) to conduct inspections of the land-disturbing activities of interstate and intrastate natural gas pipeline companies that have approved annual standards and specifications as such land-disturbing activities relate to construction of any natural gas transmission pipeline greater than 36 inches inside diameter to determine (i) compliance with such annual standards and specifications, (ii) compliance with any site-specific plans, and (iii) if there have been or are likely to be adverse impacts to water quality as a result of such land-disturbing activities. The bill authorizes the Department to issue a stop work instruction on the relevant part of the site when the Department determines that there has been a substantial adverse impact to water quality or that a substantial and imminent adverse impact to water quality is likely to occur as a result of such land-disturbing activities. The bill requires that upon written documentation of completion by the company and approval by the Department in writing of the corrective measures specified in the stop work instruction, the instruction shall be immediately lifted. Such stop work instruction may be appealed to the circuit court of the jurisdiction where the violation was alleged to have occurred or other appropriate court.

*Patron - Deeds*

**SB699 Stormwater management; inspections; natural gas pipelines; stop work instructions.** Authorizes the Department of Environmental Quality (the Department) to conduct inspections of the land-disturbing activities of interstate and intrastate natural gas pipeline companies that have approved annual standards and specifications as such land-disturbing activities relate to construction of any natural gas transmission pipeline greater than 36 inches inside diameter to determine (i) compliance with such annual standards and specifications, (ii) compliance with any site-specific plans, and (iii) if there have been or are likely to be adverse impacts to water quality as a result of such land-disturbing activities. The bill authorizes the Department to issue a stop work instruction on the relevant part of the site when the Department determines that there has been a substantial adverse impact to water quality or that a substantial and imminent adverse impact to water quality is likely to occur as a result of such land-disturbing activities. The bill requires that upon written documentation of completion by the company and approval by the Department in writing of the corrective measures specified in the stop work instruction, the instruction shall be immediately lifted. Such stop work instruction may be appealed to the circuit court of the jurisdiction where the violation was alleged to have occurred or other appropriate court.

*Patron - Deeds*

**SB741 Stormwater management; termination of general permit; notice.** Requires a Virginia Stormwater Management Program Authority (VSMP authority) to recommend that the Department of Environmental Quality terminate coverage under a General Permit for Discharges of Stormwater from Construction Activities within 60 days of receiving a complete notice of termination from the operator of the construction activity. The bill (i) provides that such permit coverage shall be deemed terminated 90 days after the receipt by the VSMP authority of a complete notice of termination and (ii) requires any VSMP authority receiving incomplete notice to inform the operator within a reasonable time and provide a detailed list of the missing elements.

*Patron - Ruff*

**SB950 Pipeline construction; Water Protection Permit; additional certification for upland impacts.** Provides that, for the construction of certain natural gas transmission pipelines greater than 36 inches inside diameter (Pipelines), the

issuance of a Virginia Water Protection Permit (VWPP) and an additional water quality certification for upland conditions shall together constitute the certification required under § 401 of the federal Clean Water Act. The bill requires the builder of a Pipeline to submit an application to the Department of Environmental Quality (the Department) describing all activities that will occur in upland areas and authorizes the Department to request certain additional information from the applicant. The bill directs the Department to determine whether any activities not addressed by the VWPP are likely to result in a discharge to state waters with the potential to adversely impact water quality and then to develop an additional certification containing any additional conditions for activities in upland areas. The bill directs the Department to prepare a public notice of such draft certification conditions and to allow for public comment. The bill requires an individual VWPP for impacts to state waters for the construction of any Pipeline and requires that each wetland and stream crossing be considered as a single project, with an individual review of each proposed water body crossing with an upstream drainage area of five square miles or greater; however, the bill requires only one individual VWPP addressing all water body crossings for each Pipeline. The bill requires that any Pipeline be constructed in a manner that minimizes impacts to state waters and protects water quality to the maximum extent practicable, including by using certain best management practices. The bill directs the State Water Control Board to exempt the construction of Pipelines from its general permits for the activities of certain utilities and public service companies and to complete its review of any individual permit application related to the construction of any Pipeline within one year. The bill also prohibits an applicant from commencing a land-disturbing activity prior to approval by the Department of an erosion and sediment control plan and stormwater management plan. Finally, the bill authorizes the Department to assess certain administrative charges in order to cover its costs.

*Patron - Hanger*

## Failed

**HB447 Chesapeake Bay Preservation Areas; mature trees.** Adds the preservation of mature trees, both as a stormwater management tool and as a means of providing other benefits, to the list of activities that the State Water Resources Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas.

*Patron - Hope*

**HB493 Stormwater Local Assistance Fund; grants; administrative costs.** Authorizes the recipient of a grant from the Stormwater Local Assistance Fund to use a portion of the grant funds to pay for reasonable administrative costs. The bill also allows a grant recipient to count the fair market value of administrative services as an in-kind match for as much as half of the amount of any matching funds required.

*Patron - Hodges*

**HB560 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 for energy conservation or efficiency projects, funded by 40 percent of the annual revenue over \$325 million of certain state recordation taxes and other funds given to the Fund.

*Patron - Sullivan*

**HB575 Virginia Waterway Maintenance Fund; Grant Program.** Establishes the Virginia Waterway Maintenance Grant Program and Fund, administered by the Virginia Port Authority (the Authority), to provide grants, from funds transferred to the Fund from Commonwealth Port Fund, to local governing bodies that propose certain dredging projects and related activities. The bill directs the Authority to manage the Grant Program by developing guidelines and procedures

for the application process and for the awarding of annual grants.

*Patron - Bloxom*

**[F]HB723 Stormwater management facilities; private residential lots; disclosure.** Requires the State Water Control Board to adopt regulations requiring a local stormwater management authority that requires a landowner of property zoned for residential use to maintain a stormwater management facility on such property to record with the deed for the property a statement of the specifications and requirements and a schedule of audits of the facility. The bill requires the seller of any property with such facility to disclose such specifications, requirements, and schedule of audits to a purchaser of the property.

*Patron - Plum*

**[F]HB771 Potomac Aquifer recharge monitoring; advisory board; laboratory established; SWIFT Project.** Creates an advisory board and a laboratory to monitor the effects of the Sustainable Water Infrastructure for Tomorrow (SWIFT) Project being undertaken by the Hampton Roads Sanitation District (HRSD).

The bill establishes an eight-member advisory board called the Potomac Aquifer Recharge Oversight Committee (the Committee), directing it to ensure that the SWIFT Project is monitored independently. The bill provides that the Committee shall consist of the State Health Commissioner, the Director of the Department of Environmental Quality, the Executive Director of the Hampton Roads Planning District Commission, the two Co-Directors of the Laboratory, the Director of the Occoquan Watershed Monitoring Laboratory, and two Virginia citizens appointed by the Governor, and the bill also provides for two nonvoting members. The Committee is required by the bill to meet at least quarterly during the initial three years of its existence. The bill also authorizes the Committee to appoint a science and technical advisory council and directs the Committee to request funding from HRSD for the first three years of monitoring of the recharge of the aquifer.

The bill also creates the Potomac Aquifer Recharge Monitoring Laboratory (the Laboratory) at Old Dominion University (ODU), placing it under the direction of an ODU faculty member and the co-direction of a faculty member at Virginia Tech. The bill provides that the Laboratory shall monitor the impact of the SWIFT Project on the Potomac Aquifer, manage testing data, and conduct water sampling and analysis.

The bill authorizes both the Commissioner of the Department of Health and the State Water Control Board to issue emergency orders to halt injection or make any change to any facility of the SWIFT Project.

*Patron - Jones, S.C.*

**[F]HB772 Ground water withdrawal permit term; lengthening to 15 years.** Lengthens from 10 years to 15 years the maximum term of a ground water withdrawal permit issued by the State Water Control Board and lengthens the maximum term of a ground water withdrawal special exception from 10 years to 15 years. The bill also directs the State Water Control Board to adopt a regulation effective January 1, 2019, raising from \$6,000 to \$9,000 the permit fee applicable to new or reissued individual ground water withdrawal permits. The bill contains technical amendments.

*Patron - Jones, S.C.*

**[F]HB801 Stormwater regulation; no stricter than federal law.** Prohibits the State Water Control Board from adopting any stormwater regulation that is inconsistent with or exceeds the requirements of any federal stormwater statute, regulation, standard, criterion, or guidance document.

*Patron - O'Quinn*

**[F]HB805 Stormwater management regulations; localities outside Chesapeake Bay watershed.** Provides that in a locality that is located entirely outside of the Chesapeake Bay watershed, the State Water Control Board and the Department of Environmental Quality shall apply the water quality and water quantity requirements that were in effect prior to July 1, 2014.

*Patron - O'Quinn*

**[F]HB1059 Discharge of deleterious substance into state waters; notice.** Requires any person who unlawfully discharges any deleterious substance into state waters to give written notice to the State Water Control Board. Current law requires written notice to be given only to the Director of the Department of Environmental Quality. The bill also requires the Board or the Department to give the reported discharge information to local newspapers, television stations, and radio stations as soon as practicable after receiving it.

*Patron - Tran*

**[F]HB1094 Chesapeake Bay Preservation Areas; regulations; local permit to raise land.** Directs the State Water Control Board to adopt regulations to establish criteria for use by local governments in granting, denying, or modifying a request by any landowner within a Chesapeake Bay Preservation Area to raise the base elevation of his land for the purpose of mitigating the effects of flooding.

*Patron - Hodges*

**[F]HB1141 Interstate natural gas pipeline; Virginia Water Protection Permit; regulations.** Directs the State Water Control Board (the Board), regarding interstate natural gas pipeline projects, to (i) require both a Virginia Water Protection Permit and an Individual Water Quality Certification under § 401 of the federal Clean Water Act; (ii) review water body crossings, construction through karst terrain, and plans for control of erosion, sediment, and stormwater; (iii) prohibit any land-disturbing activity, including tree felling, prior to the issuance of a Water Quality Certification; and (iv) require horizontal directional drilling for certain crossings of large water bodies. The bill also provides that the Board shall not voluntarily waive its authority to require an Individual Water Quality Certification under § 401 of the Clean Water Act and directs the Board to expedite the adoption of regulations to carry out its provisions.

*Patron - Rasoul*

**[F]HB1150 Pavement sealants containing coal tar prohibited.** Prohibits the sale and distribution of any pavement sealant that contains coal tar on or after July 1, 2020, except that a retailer may continue to sell any existing inventory that remains in stock on that date. The bill prohibits the use of such sealants beginning July 1, 2021. Any person who violates either prohibition shall be subject to a civil penalty of \$250, to be paid into the Virginia Environmental Emergency Response Fund.

*Patron - Wilt*

**[F]HB1185 Regional water resource planning; State Water Control Board regulations.** Directs the State Water Control Board (the Board) to predict the risk that each locality and region in the Commonwealth will experience water supply shortfalls, to encourage the development of cross-jurisdictional water supply projects, and to adopt regulations designating regional planning areas based primarily on river basin. Each locality in a particular regional planning area shall participate in cross-jurisdictional, coordinated water resource planning, and all localities in each area shall together develop and submit a single regional water supply plan. The bill directs the Department of Environmental Quality (the Department) to facilitate the creation of the regional water plans by ensuring sufficient coordination among localities, providing planning and other assistance, and ensuring that each regional plan identifies risks and proposes cost-effective strategies in response. The bill directs that the Board and the Department prioritize the alloca-

tion of funds to localities that sufficiently participate in regional planning. The bill contains technical amendments.

*Patron - Carr*

**HB1186 Ground water withdrawal permit; priority for human consumptive use; public supplier.** Directs the State Water Control Board (the Board) to instruct the Department of Environmental Quality (the Department) to modify the permitted withdrawal amounts for certain industrial holders of water withdrawal permits within the Eastern Virginia Groundwater Management Area (EVGMA). The bill establishes several steps for modifying the permitted withdrawal amounts: (i) beginning in 2021, the Department shall accept requests for additional withdrawals from existing public water suppliers; (ii) beginning in 2022, the Department shall notify each large industrial permit holder that its permit will be modified; (iii) beginning in 2023, the Department shall reduce the permitted withdrawal amounts of the large industrial withdrawers and increase the permitted withdrawal amounts of public water suppliers as needed; and (iv) by July 1, 2017, the Board shall issue ground water permits for all public water suppliers in the EVGMA as their existing permits expire. The bill also states the findings of the General Assembly that the supply of ground water in the EVGMA is insufficient and that economic growth is hampered as a result, and it reaffirms the policy, found in state law, that preference be given to human consumptive use when proposed uses are in conflict.

*Patron - Carr*

**HB1188 Natural gas pipelines; contingency plan; operation; discharge; penalty.** Requires the operator of any natural gas pipeline of a certain size, prior to operation, to commission an independent test of the quality of ground water for each property in the right-of-way and to file a gas discharge contingency plan that is approved by the State Water Control Board (the Board). The bill authorizes the Board to adopt regulations requiring testing and inspection of the pipeline and annual retesting of ground water at properties in the right-of-way and a demonstration of financial responsibility by the operator. The bill prohibits the discharge of gas, establishes penalties for those discharging or causing or permitting a discharge or a substantial threat of such discharge, and establishes legal liability and defenses. The bill requires any person discharging gas immediately to report it to the Board and to local authorities but allows a discharge of up to 25 standard cubic feet of gas to be reported to the Board through normal record-keeping. The bill requires recordkeeping by the pipeline operator, authorizes the Board to collect administrative fees, and provides for enforcement and civil and criminal penalties.

*Patron - Hurst*

**HB1294 Interstate natural gas pipeline construction; water quality impact bond; statewide halt.** Requires any company that plans to construct an interstate natural gas pipeline in Virginia to post a performance bond with the State Water Control Board (the Board) in an amount sufficient to ensure that the Board could address and remediate any adverse water quality impact that arises out of the construction. The bill provides that if the Board determines that construction activity has caused or threatens to cause an adverse water quality impact, the Board shall undertake conservation action to address and remediate the identified water quality impact and issue an order to halt any construction on each interstate natural gas pipeline under construction in Virginia. The bill requires the Board to certify that the identified water quality impact has been fully addressed and remediated before construction on any pipeline can resume. The bill directs the Board to promulgate regulations to implement these provisions to be effective within 280 days of the bill's enactment.

*Patron - Rasoul*

**HB1374 Sewerage systems; state adoption of federal criteria; ammonia.** Directs the State Water Control Board not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the Criteria) until all other states in EPA Regions III and IV have done so, unless the EPA Administrator informs the Commonwealth in

writing that such timing is unlawful under the federal Clean Water Act. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018.

*Patron - Poindexter*

**HB1566 Stormwater; local plan review; acceptance of plan by professional engineer in lieu of review.** Authorizes any stormwater management program authority or erosion and sediment control program authority, or a locality that has opted out of administering a stormwater or erosion and sediment control program, to require that a licensed professional engineer retained by the applicant submit a set of plans and supporting calculations for land-disturbing activities of greater than one acre in extent. The bill requires the plans to be signed and stamped by the engineer. The program authority or locality is required to accept such plans in satisfaction of the local plan review requirement.

*Patron - Hodges*

**HJ93 Study; stormwater best management practices; planting and preservation of trees; report.** Directs the Department of Environmental Quality to study whether the planting and preservation of trees shall be certified as a stormwater best management practice and, if so, how much credit shall be awarded.

*Patron - Lopez*

**SB507 Stormwater management regulations; localities outside Chesapeake Bay watershed.** Provides that in a locality that is located entirely outside of the Chesapeake Bay watershed, the State Water Control Board and the Department of Environmental Quality shall apply the water quality and water quantity requirements that were in effect prior to July 1, 2014.

*Patron - Carrico*

**SB520 Nonagricultural irrigation wells prohibited outside surficial aquifer.** Prohibits any person from constructing a well in a ground water management area for nonagricultural irrigation purposes except in the surficial aquifer. The bill authorizes the State Water Control Board (the Board) to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. The bill directs the Board to promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use.

*Patron - Mason*

**SB782 Combined sewer overflow systems discharges; report.** Requires the State Water Control Board, every two years beginning on July 1, 2019, to provide a summary report on discharges during the previous two years from combined sewer overflow systems located within the Commonwealth. Copies of the report shall be delivered to the Chairman of the Senate Finance Committee, the Chairman of the Senate Agriculture, Conservation and Natural Resources Committee, the Chairman of the House Appropriations Committee, and the Chairman of the House Agriculture, Chesapeake and Natural Resources Committee.

*Patron - Dunnivant*

**SB894 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 for energy conservation or efficiency projects.

*Patron - Wagner*

**[F]SB951 Eastern Virginia; hydraulic fracturing prohibited.** Prohibits hydraulic fracturing, as defined in the bill, in the Eastern Virginia Groundwater Management Area.

*Patron - Surovell*

## Carried Over

**[C]SB766 Citizen water quality monitoring; use as evidence in enforcement actions.** Authorizes the Department of Environmental Quality (the Department) to use certain results of citizen water quality testing as evidence in enforcement actions. Such evidence is currently prohibited. The bill also directs the Department to consider in some cases data collected by a citizen group, regardless of whether the data conforms to the requirements set out in the Code of Virginia.

*Patron - Surovell*

**[C]SB767 Coal ash ponds; flaws in closure plans; delay of permit.** Authorizes the Director of the Department of Environmental Quality (the Director) to delay the issuance of a permit for the closure of a coal ash pond if the Department of Environmental Quality determines that the closure plan shows any insufficiency or flaw, including a failure to account for the possibility of leakage. The bill authorizes the Director to mandate corrective actions and decline to issue the permit until such actions are complied with.

*Patron - Surovell*

**[C]SB940 Combined sewer overflow system; notice of discharge.** Requires the owner or operator of any combined sewer overflow (CSO) system to immediately report any discharge of untreated or partially treated sewage to the Department of Environmental Quality (the Department) and the local health department and, as soon as possible, to notify the public and any adjoining locality that may be affected. The bill requires the Department to expeditiously post on its website information reported to it regarding such CSO discharges and to prepare an annual report on CSO discharges. The bill directs the State Water Control Board to promulgate regulations to carry out the provisions of the bill.

*Patron - Stuart*

**[C]SB990 Stormwater; State Water Control Board; regulations.** Authorizes the State Water Control Board (the Board) to adopt stormwater regulations that provide any definitions, equations, or protocols needed to implement the runoff reduction method of demonstrating compliance with water quality technical criteria for certain land-disturbing activities. The bill directs the Board to develop guidance to establish a compliance tool for projects that are subject to the runoff reduction method and the best management practice design specifications needed to implement the water quality technical criteria.

*Patron - DeSteph*

## Welfare (Social Services)

### Passed

**[P]HB150 Child abuse and neglect; founded reports regarding former school employees.** Requires local departments of social services to notify the appropriate school board without delay if the subject of a founded complaint of child abuse or neglect was, at the time of the investigation or the conduct that led to the report, an employee of a school division located within the Commonwealth. Currently, such reporting is

only required if the subject of the complaint is an employee of a school division at the time the complaint is determined to be founded. This bill is identical to SB 184.

*Patron - Bulova*

**[P]HB227 Adoption by stepparent; background check.** Requires a circuit court, when determining whether an investigation by the director of the local department of social services should be required before a final order is entered to approve as an adoptive parent the spouse of a child's birth or adoptive parent, to consider the results of a national criminal history background check conducted on the prospective adoptive parent. The provisions of the bill expire on July 1, 2020.

*Patron - Stolle*

**[P]HB241 Close relative adoption.** Lowers from three years to two years the amount of time a child must have continuously resided with or been under the physical custody of the prospective close relative adoptive parent in order for the adoption proceeding to commence in circuit court and be exempt from the parental placement provisions.

*Patron - Brewer*

**[P]HB291 Commissioner of Social Services; storage and preservation of adoption files.** Provides the Commissioner of Social Services with certain powers and duties related to the custody, storage, preservation, and duplication of adoption files. The bill contains an emergency clause.

*Patron - Collins*

**[P]HB389 Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.** Requires local departments of social services to notify the Superintendent of Public Instruction without delay (i) when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and (ii) if the founded complaint of child abuse or neglect is dismissed on appeal. This bill is identical to SB 183.

*Patron - Keam*

**[P]HB418 Adoption by foster parent.** Directs a circuit court to accept a petition for adoption filed by the child's foster parent and to order a thorough investigation if (i) the child-placing agency holding custody of the child consents to the adoption after the child has resided in the home of such foster parent continuously for at least six months and (ii) the birth parents' rights to the child have been terminated. Current law requires a circuit court to accept such petition in such circumstances only after the child has resided in the home of such foster parent continuously for at least 18 months. The bill provides that after the child has resided in the home of the foster parent continuously for at least 18 months, the consent of the child-placing agency holding custody of the child is no longer needed in order to require the court to accept the petition and order an investigation. The bill contains an emergency clause.

*Patron - Carroll Foy*

**[P]HB437 Adoption and foster care; barrier crimes; exception.** Allows a child-placing agency to approve as an adoptive or foster parent an applicant convicted of any offense set forth in the definition of barrier crime in clause (iv) of § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that eight years have elapsed following the conviction and that the applicant (i) has complied with all obligations imposed by the criminal court; (ii) has completed a substance abuse treatment program; (iii) has completed a drug test administered by a laboratory or medical professional within 90 days prior to being approved, and such test returned with a negative result; and (iv) complies with any other obligations as determined by the Department of Social Services. This bill is identical to SB 920.

*Patron - Herring*

**[P]HB511 Child abuse or neglect; sex offenders; investigations; reports to law enforcement.** Adds the complaint

that a child has been left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of a sexually violent offense against a minor to the list of complaints of suspected child abuse or neglect upon receipt of which a local department of social services is required to notify the local attorney for the Commonwealth and the local law-enforcement agency. The bill also adds such a complaint to the list of complaints that a local department that has been designated as a child-protective services differential response agency by the Department of Social Services must investigate. This bill received Governor's recommendations.

*Patron - Bell, Robert B.*

**HB528 Department of Juvenile Justice; placement of certain individuals in independent living arrangement.** Permits the Department of Juvenile Justice (DJJ) to place in an independent living arrangement an individual who is between the ages of 16 and 21 and who was committed to DJJ immediately prior to such placement. The bill also permits the Department of Social Services to provide independent living services to such individuals who are placed in an independent living arrangement and to individuals who are between 18 and 21 years of age who, immediately prior to their commitment to DJJ, had been in the custody of a local board of social services.

*Patron - James*

**HB545 Child care licensure; forfeiture of eligibility for religious exemption.** Requires child day centers seeking exemption from licensure as a religious institution to file with the Commissioner of Social Services, prior to beginning operation and annually thereafter, documentary evidence that the individual seeking to operate the child day center is not currently ineligible to operate another child welfare agency due to a suspension or revocation of his license or license exemption for reasons involving child safety or any criminal conviction, including fraud, related to such child welfare agency.

*Patron - Freitas*

**HB836 Child day programs at public school facilities; exemptions.** Prohibits the Board of Social Services from adopting regulations governing child day programs located at public school facilities that require inspection or approval of the building, vehicles used to transport children attending the child day program that are owned by the school, or meals served to such children that are prepared by the school.

*Patron - Bagby*

**HB850 Emergency order for adult protective services; temporary conservator.** Requires courts issuing an emergency order for adult protective services to (i) appoint, when applicable, a temporary conservator with responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order and (ii) set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator. The bill allows the temporary conservator to petition the court to have the emergency order set aside or modified upon a substantial change in circumstances and requires the temporary conservator to submit to the court a report describing any services provided to the adult. This bill is identical to SB 543.

*Patron - Peace*

**HB867 Licensure exemptions; private preschool programs.** Modifies the licensure exemption requirements for certified preschool programs operated by a private school that is accredited by an organization recognized by the Board of Education. The bill allows children below the age of eligibility for kindergarten to attend the preschool program for more than five hours per day if the preschool maintains an enrollment ratio of five children age five or above to one four-year-old child, and no child in attendance is under age four. This bill is identical to SB 702.

*Patron - Orrock*

**HB873 Child care providers; criminal history background check; sunset and contingency.** Extends from July 1, 2018, to July 1, 2020, the expiration date and contingency on the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant of 2014, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. This bill is identical to SB 121.

*Patron - Orrock*

**HB986 Foster care and adoption; disclosure of information prior to placement.** Requires local boards of social services, prior to placement of a child in any foster home or children's residential facility, to provide to the foster home or residential facility all reasonably ascertainable background, medical, and psychological records of the child, including whether the child has been the subject of an investigation as the perpetrator of sexual abuse. The bill also requires that the background information provided to prospective adoptive parents by a child placing agency or local department of social services include whether the child has been the subject of an investigation as the perpetrator of sexual abuse.

*Patron - Gilbert*

**HB1017 Child day programs; exemptions from licensure.** Exempts from licensure any child day program that is offered by a local school division, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. The bill provides that such programs shall be subject to safety and supervisory standards established by the local school board. This bill is identical to SB 682.

*Patron - Toscano*

**HB1026 Adult protective services; appealability of findings made by local department of social services.** Provides that all written findings and actions of a local department of social services or its director regarding adult protective services investigations are final and shall not be (i) appealable to the Commissioner for Aging and Rehabilitative Services or (ii) considered a final agency action for purposes of judicial review pursuant to the provisions of the Administrative Process Act.

*Patron - Adams, L.R.*

**HB1130 Licensure of facilities operated by agencies of the Commonwealth.** Provides for licensure of assisted living facilities, adult day care centers, and child welfare agencies operated by the agencies of the Commonwealth.

*Patron - Rasoul*

**HB1333 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. This bill is identical to SB 636.

*Patron - Brewer*

**HB1439 State Board of Social Services; regulations related to staffing of assisted living facilities providing care for adults with serious cognitive impairments.** Directs the State Board of Social Services to amend regulations governing staffing of assisted living facilities that provide care for adults with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare to allow an exception to certain requirements for assisted living facilities that are licensed for 10 or fewer residents if no more than three of the residents have serious cognitive impairments. The bill also directs the Board of Social Services to promulgate regulations to implement the provisions of the bill within 280 days and prohibits the Board of Social Services from enforcing the provisions of 22VAC40-73-1020, as it shall become effective, in cases involving assisted living facilities that are licensed for 10 or fewer residents if no more than three of the residents have serious cognitive impairments. The bill contains an emergency clause and is identical to SB 875.

*Patron - Sickles*

**SB121 Child care providers; criminal history background check; sunset and contingency.** Extends from July 1, 2018, to July 1, 2020, the expiration date and contingency on the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant of 2014, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. This bill is identical to HB 873.

*Patron - Wexton*

**SB183 Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.** Requires local departments of social services to notify the Superintendent of Public Instruction without delay (i) when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect and (ii) if the founded complaint of child abuse or neglect is dismissed on appeal. This bill is identical to HB 389.

*Patron - Favola*

**SB184 Child abuse and neglect; founded reports regarding former school employees.** Requires local departments of social services to notify the appropriate school board without delay if the subject of a founded complaint of child abuse or neglect was, at the time of the investigation or the conduct that led to the report, an employee of a school division located within the Commonwealth. Currently, such reporting is only required if the subject of the complaint is an employee of a school division at the time the complaint is determined to be founded. This bill is identical to HB 150.

*Patron - Favola*

**SB506 Child-caring institutions.** Directs the Commissioner of Social Services to issue a license to a facility operated or conducted under the auspices of a religious institution established in 1978 and located in Atkins, Virginia, at the intersection of Pierce Road and Freedom Tabernacle Lane that receives no public funds and that meets the standards for licensed child-caring institutions as adopted by the Board of Social Services and in effect on January 1, 1987. The bill has an expiration date of July 1, 2021.

*Patron - Carrico*

**SB539 Child day programs; exemptions from licensure.** Removes certain programs from the list of child day programs exempt from licensure and clarifies that such programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of certain child day programs that remain listed as exempt from licensure and requires that such programs (i) file with the Commissioner of Social Services (the Commissioner), prior to beginning operation of a child day program and annually thereafter, a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the child day program has disclosed to the parents of children in the program the fact that it is exempt from licensure; (ii) report to the Commissioner all incidents involving serious physical injury or death to children attending the child day program; (iii) have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present at the child day program; (iv) maintain daily attendance records; (v) have an emergency preparedness plan in place; (vi) comply with all applicable laws and regulations governing transportation of children; (vii) comply with certain safe sleep practices for infants; and (viii) post in a visible location notice that the program is not licensed by the Department of Social Services and only certifies basic health and safety requirements. The bill exempts from licensure any program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. The bill also modifies staffing ratios for religious-exempt child day centers. The bill directs the Commissioner to (a) inspect child day programs that are exempt from licensure to determine compliance with the provisions of the bill only upon receipt of a complaint and (b) develop a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs. The bill has a delayed effective date of July 1, 2019.

*Patron - Hanger*

**SB543 Emergency order for adult protective services; temporary conservator.** Requires courts issuing an emergency order for adult protective services to (i) appoint, when applicable, a temporary conservator with responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order and (ii) set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator. The bill allows the temporary conservator to petition the court to have the emergency order set aside or modified upon a substantial change in circumstances and requires the temporary conservator to submit to the court a report describing any services provided to the adult. This bill is identical to HB 850.

*Patron - Mason*

**SB636 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. This bill is identical to HB 1333.

*Patron - Dunnivant*

**SB682 Child day programs; exemptions from licensure.** Exempts from licensure any child day program that is offered by a local school division, staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in a preschool program within such school division. The bill provides that such programs shall be subject to safety and supervisory standards established by the local school board. This bill is identical to HB 1017.

*Patron - Deeds*



**[F]SB702 Licensure exemptions; private preschool programs.** Modifies the licensure exemption requirements for certified preschool programs operated by a private school that is accredited by an organization recognized by the Board of Education. The bill allows children below the age of eligibility for kindergarten to attend the preschool program for more than five hours per day if the preschool maintains an enrollment ratio of five children age five or above to one four-year-old child, and no child in attendance is under age four. This bill is identical to HB 867.

*Patron - Chase*

**[F]SB716 Department of State Police; recommend options to expedite the process of performing background checks; report.** Requests that the Department of State Police (the Department) identify, analyze, and recommend options to expedite and improve the efficiency of its process for performing requested background checks. The bill requires the Department to report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2018.

*Patron - Chase*

**[F]SB875 State Board of Social Services; regulations related to staffing of assisted living facilities providing care for adults with serious cognitive impairments.** Directs the State Board of Social Services to amend regulations governing staffing of assisted living facilities that provide care for adults with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare to allow an exception to certain requirements for assisted living facilities that are licensed for 10 or fewer residents if no more than three of the residents have serious cognitive impairments. The bill also directs the Board of Social Services to promulgate regulations to implement the provisions of the bill within 280 days and prohibits the Board of Social Services from enforcing the provisions of 22VAC40-73-1020, as it shall become effective, in cases involving assisted living facilities that are licensed for 10 or fewer residents if no more than three of the residents have serious cognitive impairments. The bill contains an emergency clause and is identical to HB 1439.

*Patron - Mason*

**[F]SB920 Adoption and foster care; barrier crimes; exception.** Allows a child-placing agency to approve as an adoptive or foster parent an applicant convicted of any offense set forth in the definition of barrier crime in clause (iv) of § 19.2-392.02 who has had his civil rights restored by the Governor or other appropriate authority, provided that eight years have elapsed following the conviction and that the applicant (i) has complied with all obligations imposed by the criminal court; (ii) has completed a substance abuse treatment program; (iii) has completed a drug test administered by a laboratory or medical professional within 90 days prior to being approved, and such test returned with a negative result; and (iv) complies with any other obligations as determined by the Department of Social Services. This bill is identical to HB 437.

*Patron - Ebbin*

## Failed

**[F]HB106 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 - Delaney*

**[F]HB196 Extensions of hearings to review findings by local departments of social services related to child abuse or neglect.** Provides that a person who appeals a determination by a local department of social services related to child abuse or neglect to a hearing officer designated by the Commissioner of Social Services may request extensions of the hearing but that no extension causing the hearing to be delayed more than 90 days after the date on which the hearing was first scheduled to be held shall be granted absent a showing of compelling reasons to justify such extension.

*Patron - Bulova*

**[F]HB248 Department of Social Services; Responsible Employed Active Loving Parenting Pilot Program.** Directs the Department of Social Services (the Department) to establish a two-year pilot program, to be referred to as the Responsible Employed Active Loving Parenting Pilot Program (REAL Parenting Pilot Program or the Program), beginning in 2018 for the purpose of providing noncustodial parents an opportunity to reduce amounts owed for accrued interest on child support arrears to the Commonwealth. The bill directs that a maximum of 50 individuals be selected to participate in the Program and limits participation to individuals who are (i) in arrears of at least \$2,000 on child support payments and accrued interest, (ii) unemployed, and (iii) receiving public assistance. Individuals participating in the program are eligible for a 25 percent decrease in the amount of interest owed to the Commonwealth upon completing 40 hours of certain classroom instruction, an additional 25 percent reduction of accrued interest upon securing and maintaining employment for 90 days, and a reduction of accrued interest to the amount of \$500 upon making child support payments in full for a period of 12 months. The bill requires the Department to report to the Governor and the General Assembly no later than December 1 of each year of the Program regarding participant outcomes and the effectiveness of the Program.

*Patron - Miyares*

**[F]HB285 Virginia Community College System; Temporary Assistance for Needy Families Scholarship Pilot Program.** Directs the Virginia Community College System (VCCS) to establish and administer a two-year Temporary Assistance for Needy Families (TANF) Scholarship Pilot Program (the Program) for the purpose of providing access to postsecondary educational opportunities to students living in poverty. The Program would provide scholarships to select comprehensive community colleges in the maximum amount of \$4,000 per year, to be applied toward the costs of tuition and books, to 200 selected students who meet TANF eligibility requirements. The Program would be funded by the unexpended balance in federal TANF block grant funds. The bill directs VCCS to report to the Governor and the General Assembly no later than December 1 of each year regarding the effectiveness of and other information about the Program. The bill does not become effective unless an appropriation effectuating the purposes of the bill is included in an appropriation act passed in 2018 by the General Assembly that becomes law.

*Patron - Murphy*

**[F]HB413 Adoption; gender-neutral terms.** Makes parenting and marriage terminology gender-neutral in the relevant law regarding adoption so that it is applicable to both same-sex and opposite-sex married couples to comport with the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015).

*Patron - Simon*

**[F]HB588 Abused or neglected child; definition.** Expands the definition of "abused or neglected child" to include any child whose parent or caregiver, by other than accidental means, exposes the child to a traumatic event that results in harm to the child's psychological or emotional health or development.

*Patron - LaRock*

**HB696 Eligibility for food stamp program; work requirement; employment and training program.** Establishes a work requirement and an employment and training program for individuals receiving or applying to receive benefits through the food stamp program.

*Patron - Poindexter*

**HB868 Licensure exemptions; private preschool programs.** Modifies the licensure exemption requirements for certified preschool programs operated by accredited private schools by affording such programs the same licensure exemption available to public schools. The bill repeals numerous requirements that are not currently imposed on public schools, such as staff ratios, time and age restrictions, and filing and notice requirements.

*Patron - Orrock*

**HB869 Private preschool programs; background checks.** Provides that any employee of a certified preschool or nursery school program operated by an accredited private school who has submitted to fingerprinting and provided personal descriptive information for purposes of a criminal history check at the request of the governing board or administrator of the private school within the last five years and after July 1, 2017, shall be exempt from the requirement that they submit to a fingerprint background check by the Department of Social Services.

*Patron - Orrock*

**HB881 Department of State Police; recommend options to expedite the process of performing background checks; report.** Requests that the Department of State Police (the Department) identify, analyze, and recommend options to expedite and improve the efficiency of its process for performing requested background checks. The bill requires the Department to report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2018.

*Patron - Orrock*

**HB924 Child care; Quality Rating and Improvement System.** Directs the Board of Social Services to establish a Quality Rating and Improvement System for all child welfare agencies participating in the Virginia Preschool Initiative.

*Patron - Lopez*

**HB929 Licensed family day homes; storage of firearms.** Requires that firearms, other weapons, and ammunition in a licensed family day home be stored in a locked closet, cabinet, or container during the family day home's hours of operation unless they are being lawfully carried on an individual's person. The bill requires that such firearms and weapons be stored unloaded and apart from ammunition and that the key or combination to such locked storage places be maintained out of reach of all children in the family day home.

*Patron - Hope*

**HB939 Adoption by person other than spouse of parent.** Provides that a person other than the spouse of a birth parent or parent by adoption may adopt a child if (i) the child has only one parent or the child is the result of surrogacy and the surrogate consents, (ii) the adoption would not terminate the parental rights of the parent, and (iii) the parent joins in the adoption petition for the purpose of indicating his consent.

*Patron - Lopez*

**HB945 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 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 and is actively engaged in or has completed a substance abuse treatment program.

*Patron - Lopez*

**HB1025 Actions taken and written findings made by a local department of social services; adult protective services.** Provides that all actions taken or written findings made by a local department of social services regarding an adult protective services investigation are final and not appealable to the Commissioner for Aging and Rehabilitative Services and are not to be considered a final agency action or case decision of the Department for Aging and Rehabilitative Services for the purposes of judicial review under the Virginia Administrative Process Act.

*Patron - Adams, L.R.*

**HB1108 Secretary of Health and Human Resources; Medicaid waiver.** Directs the Secretary of Health and Human Resources to apply for a waiver pursuant to § 1115 of the Social Security Act, 42 U.S.C. § 1315, to allow the Commonwealth to receive the federal medical assistance percentage for the provision of medical assistance pursuant to the state plan for medical assistance, any Medicaid waiver, or 42 U.S.C. § 1396d(y) as an annual payment at the beginning of each fiscal year upon adoption of any measure expanding eligibility for medical assistance services to individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII).

*Patron - Yancey*

**HB1128 Child care providers; criminal history background check; repeal sunset.** Repeals the expiration date on the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as their agents and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant of 2014, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home.

*Patron - Filler-Corn*

**HB1207 Department of Social Services; investigative and enforcement proceedings; information provided to individuals or business entities who are the subject of a complaint involving abuse or neglect.** Provides that persons who are the subject of a complaint involving abuse or neglect have a right to be provided with (i) unredacted copies of notes and reports relating to the investigation and the names of the reporter and collateral witnesses and (ii) all other information that the Department of Social Services (Department) or local department intends to rely upon, in whole or in part, in reaching a determination regarding the complaint. The Department or local department may withhold from disclosure (a) the reporter's name, (b) the identity of a collateral witness, (c) the identity of any other person providing information, or (d) any other information connected to the investigation only upon a specific determination that such disclosure would endanger the well-being of a child or the life or safety of the reporter or collateral witness. The bill provides that the decision to withhold the name, identity, or other information may be appealed to the circuit court with the local department having the burden of proving by clear and convincing evidence that the disclosure would endanger the well-being of a child or the life or safety of the reporter or collateral witness or any other person providing information.

*Patron - Heretick*

**HB1235 Child protective services; verification of custody.** Requires local departments of social services, when responding to a report or complaint of suspected child abuse or

neglect by conducting an investigation, to verify the physical and legal custody arrangements for the child.

*Patron - Hugo*

**HB1242 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 unless, in the case of a positive test result, such person enters into a drug treatment program.

*Patron - Cline*

**HB1331 Review of child support guidelines; federal compliance.** Directs the Secretary of Health and Human Resources to ensure that the Commonwealth's current child support guidelines are reviewed by the Child Support Guidelines Review Panel (the Panel) by October 1, 2018. The bill requires the Panel to identify any modifications to the Commonwealth's current child support guidelines that are necessary in order to bring such guidelines into compliance with the provisions of 45 C.F.R. § 302.56 by December 31, 2019, and to report its findings to the Governor and the General Assembly by November 1, 2018.

*Patron - Freitas*

**HB1429 Department of Social Services; collection of data regarding substance abuse that results in removal of child from home.** Provides that whenever the primary reason for removing a child from his home by a local board of social services is categorized as substance abuse by his parent or guardian, including removal due to in utero drug exposure, the Department of Social Services shall, to the extent possible, collect and record information regarding the specific drugs taken by the parent or guardian. The bill requires the Department to develop a process and system to collect, collate, and report such data by July 1, 2019, and to implement such process and system by July 1, 2020.

*Patron - Carroll Foy*

**HB1461 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; (ii) assistance with finding and securing employment, housing, and services for which such persons may be eligible; (iii) information to localities and immigrant service organizations about state programs that help such persons find and secure employment, housing, and services for which they may be eligible and the benefits of such programs; and (iv) information to localities and immigrant service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable.

*Patron - Tran*

**HB1472 Child day programs; exemption from licensure for certain martial arts programs.** Creates an exception to licensure requirements for child day programs for martial arts programs operated any time during the months of June, July, or August if no program participant is under five years of age, the program operates between the hours of 9:00 am and 5:00 pm, 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*

**HB1480 Child day programs; exemptions from licensure.** Removes certain programs from the list of child day programs exempt from licensure and clarifies that such programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of certain child day programs that remain listed as exempt from licensure and requires that such programs (i) file with the Commissioner of Social Services (the Commissioner), prior to beginning operation of a child day program and annually thereafter, a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the child day program has disclosed to the parents of children in the program the fact that it is exempt from licensure; (ii) report to the Commissioner all incidents involving serious injury or death to children attending the child day program; (iii) have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present at the child day program; (iv) comply with background check requirements established by regulations of the Board of Social Services (the Board); (v) maintain daily attendance records; (vi) have an emergency preparedness plan in place; (vii) comply with all applicable laws and regulations governing transportation of children; (viii) comply with certain safe sleep practices for infants; and (ix) post in a visible location notice that the program is not licensed by the Department of Social Services and only certifies basic health and safety requirements. The bill exempts from licensure any program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. The bill also modifies staffing ratios for religious-exempt child day centers. The bill directs (a) the Board to promulgate regulations to implement the provisions of the bill and (b) the Commissioner to establish a process to inspect child day programs exempt from licensure and a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs. The bill has a delayed effective date of July 1, 2019.

*Patron - Filler-Corn*

**HB1494 Suspected adult abuse, neglect, or exploitation; mandated reporting; vulnerable adults.** Provides that for the purpose of mandated reporting of suspected adult abuse, neglect, or exploitation, "adult" means any person age 18 or older, regardless of capacity, and requires reporting of suspected abuse, neglect, or exploitation of any vulnerable adult. Currently, reporting is required in cases of suspected abuse, neglect, or exploitation of an adult who is (i) 60 years of age or older or (ii) 18 years of age or older and incapacitated. The bill also directs the Department of Social Services to develop a definition of "vulnerable adult" and to report its recommendation regarding such definition to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by December 1, 2018. Except for the reporting requirement, the bill has a delayed effective date of July 1, 2019.

*Patron - Orrock*

**SB27 Virginia Community College System; Temporary Assistance for Needy Families Scholarship Pilot Program.** Directs the Virginia Community College System (VCCS) to establish and administer a two-year Temporary Assistance for Needy Families (TANF) Scholarship Pilot Program (the Program) for the purpose of providing access to postsecondary educational opportunities to students living in poverty. The Program would provide scholarships to select comprehensive community colleges in the maximum amount of \$4,000 per year to 200 selected students who meet TANF eligibility requirements. The Program would be funded by the unexpended balance in federal TANF block grant funds. The bill directs VCCS to report to the Governor and the General Assembly no later than December 1 of each year regarding the effectiveness of and other information about the Program. The bill does not become effective unless an appropriation effectuating the purposes of the bill is included in an appropriation act passed in 2018 by the General Assembly that becomes law.

*Patron - Stanley*

**SB43 Abused or neglected child; definition.** Expands the definition of "abused or neglected child" to include any child whose parent or caregiver, by other than accidental means, exposes the child to a traumatic event that results in harm to the child's psychological or emotional health or development.

*Patron - Favola*

**SB44 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. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Favola*

**SB182 Extensions of hearings to review findings by local departments of social services related to child abuse or neglect.** Provides that a person who appeals a determination by a local department of social services related to child abuse or neglect to a hearing officer designated by the Commissioner of Social Services may request a maximum of two extensions of the hearing upon a showing of compelling reasons to justify the extensions, which shall not exceed 90 days after the date on which the hearing was first scheduled to be held.

*Patron - Favola*

**SB203 Food stamp eligibility; drug-related felonies.** Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a first-time felony offense of possession with intent to distribute more than one-half ounce but not more than five pounds of marijuana, provided that he complies with all obligations imposed by the criminal court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings. Current law prohibits denial of such benefits only if such persons have been convicted of felony possession of a controlled substance.

*Patron - Favola*

**SB204 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 first-time 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 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 - Favola*

**SB606 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; (ii) assistance with finding and securing employment, housing, and services for which such persons may be eligible; (iii) information to localities about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigrant service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking,

gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable.

*Patron - Ebbin*

**SB704 Private preschool programs; background checks.** Provides that any employee of a certified preschool or nursery school program operated by an accredited private school who has submitted to fingerprinting and provided personal descriptive information for purposes of a criminal history check at the request of the governing board or administrator of the private school within the last five years and after July 1, 2017, shall be exempt from the requirement that they submit to a fingerprint background check by the Department of Social Services.

*Patron - Chase*

**SB891 Assisted living facility administrator.** Exempts from licensure by the Board of Long-Term Care Administrators any assisted living facility administrator who is a licensed practical nurse and serves as the administrator of an assisted living facility that provides care for not more than 20 residents. The bill allows such assisted living facility administrators to serve as the administrator of record for more than one assisted living facility, provided that the combined total of residents at such assisted living facilities does not exceed 20 residents.

*Patron - Wagner*

---

## Carried Over

---

**SB938 Withholding of income for child support; independent contractors.** Requires any person who contracts with an independent contractor, as defined in the bill, to submit information regarding any new independent contractor to the Virginia New Hire Reporting Center for the purposes of income withholding by the Division of Child Support Enforcement. The bill also makes clear that income earned by an independent contractor may be withheld by court order for payment of child support obligations.

*Patron - Surovell*

---

## Wills, Trusts, and Fiduciaries

---

---

### Passed

---

**HB746 Wills and revocable trusts; eliminating certain inconsistencies.** Eliminates certain inconsistencies between wills and revocable trusts by extending to revocable trusts (i) revocation of benefits to a spouse and appointments to a spouse as a fiduciary upon divorce or annulment, (ii) the default rules for nonademption of certain bequests, (iii) the default rules related to the lapsing of a failed devise or bequest to the residue, and (iv) the anti-lapse rule that provides that a testamentary disposition fails when the taker predeceases the testator. The bill also provides that a court may modify the terms of a decedent's will to correct a mistake to conform to the decedent's intent, as proved by clear and convincing evidence. The bill further provides that, if shown by clear and convincing evidence, a court may modify the terms of a decedent's will to achieve the decedent's tax objectives in a manner that is not contrary to the decedent's probable intention. Under current law, such reformation is allowed to modify the terms of a trust for similar purposes. The provisions of the bill related to modification of a will apply retroactively to wills executed prior to July 1, 2018, and judicial proceedings commenced prior to July 1, 2018, except that such modification shall not be made if a judicial proceeding has been commenced prior to July 1, 2018, and the court finds that modification would substantially inter-

fere with the effective conduct of the judicial proceeding or prejudice the rights of the parties.

*Patron - Leftwich*

**[P]HB754 Elective share claim; calculation of the augmented estate.** Provides that a surviving spouse claiming an elective share does not have the right to claim a share of the decedent spouse's separate property at death but that the decedent spouse may satisfy the surviving spouse's right to claim a share of marital property with such separate property.

*Patron - Leftwich*

**[P]HB1142 Qualification of fiduciary without security.** Provides that a circuit court or circuit court clerk may allow a fiduciary to qualify by giving bond without surety when there are no assets or the asset or amount coming into the possession of such fiduciary does not exceed \$25,000.

*Patron - Wilt*

**[P]SB78 Trust decanting; authorized fiduciary.** Reinstates the restriction in Virginia's former trust decanting law that limits the type of fiduciary who may exercise the decanting power to a disinterested trustee. The bill also reinstates the former provisions that state that the decanting power may be exercised by a majority of the authorized fiduciaries and that the court has the power to appoint a special fiduciary to exercise the decanting power. The bill contains an emergency clause.

*Patron - Edwards*

## Failed

**[F]HB216 Annual reports by guardians; report by licensed physician, licensed psychologist, or other licensed professional.** Provides that the annual report that is required to be filed by a guardian with the local department of social services must also include a report by a licensed physician, licensed psychologist, or other licensed professional who has examined the incapacitated person no more than 90 days prior to the end of the applicable reporting period. The bill further provides that a court may issue a summons or motion to show cause why the guardian has not filed a timely annual report upon notification from the local department of social services that such report has not been filed.

*Patron - Krizek*

**[F]HB383 Missing-heir search firms; void contracts.** Provides that, prior to 36 months from the date of a decedent's death, any contract or agreement between a missing-heir search firm, as defined in the bill, and an heir or potential heir to such decedent's estate, identified as unknown or whose address has been identified as unknown by affidavit of a personal representative or other fiduciary granted administration of such an estate, is against public policy, void, and unenforceable. The bill further provides that a personal representative or other fiduciary granted administration of an estate is not prohibited from initiating or entering into a contract with a missing-heir search firm to locate heirs or potential heirs.

*Patron - Habeeb*

**[F]HB406 Guardianship; communication between incapacitated persons and others; notification of relatives.** Prohibits a guardian of an incapacitated person from restricting such incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has expressed a desire to communicate with, visit, or interact with, or with whom the incapacitated person has an established relationship. The bill creates a means by which a guardian may petition the court to restrict such incapacitated person's right to communicate. The bill allows the court to restrict such communication for good cause shown but specifies that the court shall limit itself to the least restrictive means possible if it finds such a restriction to be necessary. The bill allows the court to require a guardian found to have brought

such a petition in bad faith or not for the benefit of the incapacitated person to pay or reimburse all or some of the incapacitated person's reasonable costs and fees. The bill also specifies that such a finding may be grounds for termination of the guardianship appointment. The bill requires the guardian to notify certain relatives of the incapacitated person of certain life events of the incapacitated person, unless the guardian is notified in writing that any such relative does not wish to be notified or if there exists between such relative and the incapacitated person a protective order or court order otherwise prohibiting contact.

*Patron - Levine*

**[F]HB477 Guardianship; communication between incapacitated persons and others.** Prohibits a guardian of an incapacitated person from restricting such incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has expressed a desire to communicate, visit, or interact or with whom the incapacitated person has an established relationship. The bill creates a means by which a guardian may petition the court to restrict such incapacitated person's right to communicate. The bill allows the court to restrict such communication for good cause shown but specifies that the court shall limit itself to the least restrictive means possible if it finds such a restriction to be necessary. The bill allows the court to require a guardian found to have brought such a petition in bad faith or not for the benefit of the incapacitated person to pay or reimburse all or some of the incapacitated person's reasonable costs and fees. The bill also specifies that such a finding may be grounds for termination of the guardianship appointment.

*Patron - Reid*

**[F]HB1403 Electronic wills.** Provides a process for the execution of an electronic will, which has the same force and effect as a traditional, written will. The bill requires the electronic will to be kept under the control of a qualified custodian who is not an heir to the testator or a beneficiary or devisee under the will. The will must contain the electronic signature of the testator and the electronic signatures of either two witnesses or a notary public and there must be a visual record of the execution of the will.

*Patron - Campbell*

**[F]HB1565 Presumption of death; missing person reports.** Provides that a person who is a resident of the Commonwealth shall be presumed dead if such person disappears for two successive years, his body has not been found, and he is not known to be alive, and a missing person report has been issued by a local law-enforcement agency.

*Patron - Brewer*

**[F]SB156 Annual reports by guardians; report by licensed physician, licensed psychologist, or other licensed professional.** Provides that the annual report that is required to be filed by a guardian with the local department of social services must also include a report by a licensed physician, licensed psychologist, or other licensed professional who has examined the incapacitated person no more than 90 days prior to the end of the applicable reporting period. The bill further provides that a court may issue a summons or motion to show cause why the guardian has not filed a timely annual report upon notification from the local department of social services that such report has not been filed.

*Patron - Edwards*

## Workers' Compensation

### Passed

**[P]HB82 Workers' compensation; Uninsured Employer's Fund; financing tax.** Repeals an enactment

clause that provides that the maximum tax rate that may be assessed on insurance carriers or self-insured employers for the purpose of funding workers' compensation benefits that are awarded against uninsured employers from the Uninsured Employer's Fund will revert from 0.5 percent to 0.25 percent on July 1, 2018. Repealing the enactment will maintain the maximum rate at its current level of 0.5 percent.

*Patron - Habeeb*

**[P]HB117 Workers' Compensation Commission; quorum.** Provides that the commissioners of the Workers' Compensation Commission, for purposes of constituting a quorum, shall include any deputy commissioner or retired commissioner who is appointed or recalled, respectively, to fill a vacancy on the Commission.

*Patron - Kilgore*

**[P]HB531 Workers' compensation; proof of coverage information.** Removes the provision that prevents the Workers' Compensation Commission from aggregating proof of coverage information filed with the Commission by an insurance carrier or rate service organization on behalf of an employer with the proof of coverage information filed by or on behalf of other employers.

*Patron - Habeeb*

**[P]HB558 Workers' Compensation; employer's liability for medical services provided outside of the Commonwealth.** Clarifies that the "medical community," when referring to providers of medical services rendered under the Virginia Workers' Compensation Act outside of the Commonwealth, shall be determined by the zip code of the principal place of business of the employer if located in the Commonwealth. If the employer's principal place of business is not in the Commonwealth, then it shall be determined by the zip code of the location where the Workers' Compensation Commission would conduct its hearing regarding a dispute concerning the medical services.

*Patron - Habeeb*

## Failed

**[F]HB107 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.*

**[F]HB416 Workers' compensation; audits.** Prohibits an insurer or its agent or employee from conducting an audit, inspection, or other review at the insured employer's premises unless accompanied by and under the supervision of an employee of the Workers' Compensation Commission, or unless the employer consents.

*Patron - Guzman*

**[F]HB460 Workers' compensation; retaliatory discharge of employee.** Prohibits an employer or other person from discharging an employee if the discharge is motivated to any extent by knowledge or belief that the employee has filed a claim or taken or intends to take certain other actions under the Virginia Workers' Compensation Act. Currently, retaliatory discharges are prohibited only if the employer or other person discharged an employee solely because the employee has taken or intends to take such an action.

*Patron - Carter*

**[F]HB461 Workers' compensation; employer to notify employee of intent.** Requires an employer whose employee has filed a claim under the Virginia Workers' Compensation Act to advise the employee whether the employer intends to accept or deny the claim. If the employer is unable to make

such a determination because it lacks sufficient information from the employee, the employer shall so state and identify the needed additional information. If the employer intends to deny the claim, it shall provide the reasons.

*Patron - Carter*

**[F]HB462 Workers' compensation; foreign injuries.** Provides that an injured employee is eligible for benefits under the Virginia Workers' Compensation Act when a compensable accident happens while the employee is employed outside Virginia if (i) the employment contract was not expressly for services exclusively to be performed outside Virginia and (ii) either the employer's place of business is in Virginia or the employee regularly performs work on the employer's behalf in Virginia.

*Patron - Carter*

**[F]HB472 Workers' compensation; presumption of compensability for certain diseases.** Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty.

*Patron - Reid*

**[F]HB969 Workers' compensation; statutory employers; exclusions.** Provides that a person, including an owner, contractor, or subcontractor, who contracts with another person to perform work is not required to insure payment of workers' compensation benefits to the subcontractor, and is not liable for any injury sustained by the other person, if the person is not an employer subject to the compensation provisions of the Virginia Workers' Compensation Act or otherwise required to insure the payment of compensation to the subcontractor's employees.

*Patron - Davis*

**[F]HB1245 Workers' compensation; presumption of compensability for certain diseases.** Adds cancers of the colon, brain, or testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty.

*Patron - Hugo*

**[F]HB1543 Workers' compensation; tolling of statute of limitations.** Provides that the two-year statute of limitations for filing workers' compensation claims is tolled during the period the employer pays compensation or wages or furnishes medical service to the employee.

*Patron - Murphy*

## Carried Over

**[C]SB352 Workers' compensation; presumption of compensability for certain diseases.** Adds lymphoma, non-Hodgkin lymphoma, and cancers of the colon, brain, and testes to the list of cancers that are presumed to be an occupational disease covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop them. The measure also reduces, from 12 years to five years, the minimum number of years of continuous service that such firefighters and other employees are required to have completed in order to qualify for the presumption that such a condition is an occupational disease suffered in the line of duty.

*Patron - Peake*

**[C]SB642 Workers' compensation; presumption of compensability for certain diseases.** Adds colon cancer to the list of cancers that are presumed to be an occupational disease

covered by the Virginia Workers' Compensation Act when firefighters and certain employees develop the cancer. The measure removes the compensability requirement that the employee who develops cancer had contact with a toxic substance encountered in the line of duty.

*Patron - McPike*

**[C]SB897 Workers' compensation; taxicab and executive sedan drivers.** Provides that the exclusion from the definition of "employee" within the Virginia Workers' Compensation Act for taxicab or executive sedan drivers who are excluded from taxation under the Federal Unemployment Tax Act is not contingent upon whether evidence of the tax exemption is furnished to the Virginia Workers' Compensation Commission. The measure contains an emergency clause, and its provisions will be effective retroactive to December 31, 2017.

*Patron - Petersen*

## Constitutional Amendments

### Passed

**[P]HB71 Constitutional amendment (voter referendum); real property tax exemption for surviving spouses of certain disabled veterans.** Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability to allow the surviving spouse to move to a different principal place of residence. Similar real property tax exemptions provided in the Constitution of Virginia to (i) the surviving spouses of members of the armed forces killed in action and (ii) the surviving spouses of certain emergency services providers killed in the line of duty allow the surviving spouse to move to a different principal place of residence and still claim the tax exemption. This bill is the companion ballot legislation for HJR 6 and is identical to SB 900.

*Patron - Miyares*

**[P]HJ6 Constitutional amendment (second resolution); real property tax; exemption for surviving spouse of a disabled veteran.** Provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the surviving spouse's moving to a different principal place of residence.

*Patron - Miyares*

**[P]SB219 Constitutional amendment (voter referendum); real property tax exemption for flooding remediation, abatement, and resiliency.** Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to allow the General Assembly to authorize the governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken. This bill is the companion ballot legislation for SJR 21.

*Patron - Lewis*

**[P]SB900 Constitutional amendment (voter referendum); real property tax exemption for surviving spouses of certain disabled veterans.** Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability to allow the surviving spouse to move to a dif-

ferent principal place of residence. Similar real property tax exemptions provided in the Constitution of Virginia to (i) the surviving spouses of members of the armed forces killed in action and (ii) the surviving spouses of certain emergency services providers killed in the line of duty allow the surviving spouse to move to a different principal place of residence and still claim the tax exemption. This bill is the companion ballot legislation for SJR 76 and is identical to HB 71.

*Patron - Stuart*

**[P]SJ21 Constitutional amendment (second resolution); property tax; exemption for flooding remediation, abatement, and resiliency efforts.** Provides that the General Assembly may authorize a county, city, or town to partially exempt any real estate subject to recurring flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.

*Patron - Lewis*

**[P]SJ76 Constitutional amendment (second resolution); real property tax; exemption for surviving spouse of a disabled veteran.** Provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the surviving spouse's moving to a different principal place of residence.

*Patron - Stuart*

### Failed

**[F]HB734 Constitutional amendment (ballot bill); special funds for transportation purposes.** Provides for a referendum at the November 6, 2018, general election to approve or reject an amendment to the Constitution that would require the General Assembly to maintain permanent and separate Transportation Funds. The amendment directs that revenues dedicated to Transportation Funds on January 1, 2018, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years.

*Patron - LaRock*

**[F]HB1213 Constitutional amendment (ballot bill); powers of General Assembly; suspension or nullification of administrative rule or regulation.** Provides for a referendum at the November 6, 2018, election to approve or reject an amendment that would permit the General Assembly to suspend or nullify any or all portions of any administrative rule or regulation by a joint resolution agreed to by a majority of the members elected to each house. The amendment would also grant the General Assembly the authority to authorize a legislative committee or legislative committees acting jointly or a legislative commission to suspend any or all portions of any administrative rule or regulation while the General Assembly is not in a regular session. Such suspension would continue until the end of the next regular session.

*Patron - Head*

**[F]HJ5 Constitutional amendment (first resolution); apportionment; criteria for electoral districts.** Provides the criteria for electoral districts drawn by the General Assembly. The amendment directs that electoral districts are (i) to be composed of contiguous and compact territory, (ii) to be drawn utilizing existing political boundaries, and (iii) to be as nearly equal in population as is practicable but with variations in the size of districts permitted in order to comply with other reapportionment criteria. The amendment prohibits electoral districts being drawn for the purpose of favoring or disfavoring



any political party, incumbent legislator or member of Congress, or other individual or entity. The amendment authorizes the General Assembly to provide additional standards, definitions, or guidance in order to facilitate the objective interpretation and application of such criteria.

*Patron - Sullivan*

**[FHJ7 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 - Kory*

**[FHJ21 Constitutional amendment (first resolution); Virginia Redistricting Commission; criteria for legislative and congressional districts.** Establishes the seven-member Virginia Redistricting Commission (the Commission) to redraw congressional and General Assembly district boundaries after each decennial census. The Commission is directed to certify district plans for the General Assembly within 30 days of receipt of the new census data or by June 1 of the year following the census, whichever occurs later, and for the House of Representatives within 60 days of receipt of the census data or by July 1 of the year following the census, whichever occurs later. The amendment also establishes the standards to govern redistricting plans, which include the current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

*Patron - Sullivan*

**[FHJ33 Constitutional amendment (first resolution); qualifications of voters; 16-year-olds permitted to vote.** Provides that, notwithstanding the requirement that a voter shall be eighteen years of age, any person who is sixteen years of age or older and is otherwise qualified to vote shall be permitted to register to vote and to vote in local elections.

*Patron - Rasoul*

**[FHJ34 Constitutional amendment (first resolution); initiatives, referendums, and recalls.** Provides that, notwithstanding the powers of the General Assembly, the people reserve to themselves the power to propose and enact laws and constitutional amendments by initiative, to reject legislative acts by referendum, and to remove certain elected officials by recall. The amendment also provides petition requirements and an approval process for having questions placed on the ballot.

*Patron - Rasoul*

**[FHJ35 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 that 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.*

**[FHJ41 Constitutional amendment (second resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. The amendment directs that revenues dedicated to Transportation Funds on January 1, 2018, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years.

*Patron - LaRock*

**[FHJ46 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*

**[FHJ47 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 - Keam*

**[FHJ48 Constitutional amendment (first resolution); joint election of Governor and Lieutenant Governor.** Provides for the joint election of the Governor and Lieutenant Governor, by which the names of the candidates for Governor and Lieutenant Governor appear jointly on the ballot at the general election and the voters cast a single vote applicable to both offices.

*Patron - Keam*

**[FHJ71 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 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*

**[FHJ72 Constitutional amendment (first resolution); qualifications to vote; restoration of civil rights.** Authorizes the General Assembly to provide by law for the restoration of

civil rights for persons convicted of felonies. 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.

*Patron - Carr*

**[F]HJ83 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]HJ104 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 - Heretick*

**[F]HJ110 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 - Sickles*

**[F]HJ111 Constitutional amendment (second resolution); powers of General Assembly; suspension or nullification of administrative rule or regulation.** Provides that the General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by a joint resolution agreed to by a majority of the members elected to each house. The amendment also grants to the General Assembly the authority to authorize a legislative committee or legislative committees acting jointly or a legislative commission to suspend any or all portions of any administrative rule or regulation while the General Assembly is not in a regular session. Such suspension would continue until the end of the next regular session.

*Patron - Head*

**[F]SB400 Constitutional amendment (ballot bill); special funds for transportation purposes.** Provides for a referendum at the November 6, 2018, general election to approve or reject an amendment to the Constitution that would require the General Assembly to maintain permanent and separate Trans-

portation Funds. The amendment directs that revenues dedicated to Transportation Funds on January 1, 2018, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years.

*Patron - Lewis*

**[F]SB826 Constitutional amendment (voter referendum); legislative review of administrative rules.** Provides for a referendum at the November 6, 2018, election to approve or reject an amendment that would grant to the General Assembly the authority to review any administrative rule to ensure it is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement, or enforce. The amendment provides that after such review, the General Assembly may approve or reject, in whole or in part, any rule as provided by law and that the approval or rejection of a rule by the General Assembly shall not be subject to veto by the Governor.

*Patron - Vogel*

**[F]SJ35 Constitutional amendment (second resolution); Transportation Funds.** Requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. The amendment directs that revenues dedicated to Transportation Funds on January 1, 2018, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years.

*Patron - Lewis*

**[F]SJ69 Constitutional amendment (second resolution); legislative review of administrative rules.** Grants to the General Assembly the authority to review any administrative rule to ensure it is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement, or enforce. The amendment provides that after such review, the General Assembly may approve or reject, in whole or in part, any rule as provided by law and that the approval or rejection of a rule by the General Assembly shall not be subject to veto by the Governor.

*Patron - Vogel*

## Carried Over

**[C]SJ1 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*

**CSJ2 Constitutional amendment (first resolution); qualifications of Governor and Lieutenant Governor; residency requirement.** Increases from five to eight the number of years a person must have been a resident of and registered voter in the Commonwealth in order to be eligible to the office of the Governor and, by reference, the Lieutenant Governor.

*Patron - Chase*

**CSJ3 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. The limits apply to terms of service beginning on and after the start of the 2022 Regular Session of the General Assembly.

*Patron - Chase*

**CSJ5 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 - Lucas*

**CSJ8 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*

**CSJ9 Constitutional amendment (first resolution); qualifications of voters and the right to vote.** Establishes that the sole qualifications to vote in the Commonwealth are United States citizenship, being at least 18 years of age, residency in the Commonwealth, and registration to vote in accordance with requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications shall have the right to vote and such right cannot be abridged by law. The bill removes from current constitutional qualifications to vote not having been convicted of a felony and not having been adjudicated to be mentally incompetent.

*Patron - Locke*

**CSJ12 Constitutional amendment (first resolution); qualifications of voters and the right to vote.** Establishes that the sole qualifications to vote in the Commonwealth are United States citizenship, being at least 18 years of age, residency in the Commonwealth, and registration to vote in accordance with requirements set out in the Constitution of Virginia. The amendment further provides that any person who meets those qualifications shall have the right to vote and such right cannot be abridged by law. The bill removes from current constitutional qualifications to vote not having been convicted of a felony and not having been adjudicated to be mentally incompetent.

*Patron - Lucas*

**CSJ25 Constitutional amendment (first resolution); Virginia Redistricting Commission; criteria for legislative and congressional districts.** Establishes the seven-member Virginia Redistricting Commission (the Commission) to

redraw congressional and General Assembly district boundaries after each decennial census. The Commission is directed to certify district plans for the General Assembly within 30 days of receipt of the new census data or by June 1 of the year following the census, whichever occurs later, and for the House of Representatives within 60 days of receipt of the census data or by July 1 of the year following the census, whichever occurs later. The amendment also establishes the standards to govern redistricting plans, which include the current constitutional standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data.

*Patron - Hanger*

**CSJ27 Constitutional amendment (first resolution); qualification of voters; restoration of civil rights.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for any person who has been convicted of a felony not designated by the General Assembly as a barrier crime for the purpose of rights restoration and who has completed service of his sentence and paid in full any restitution, fines, costs, and fees assessed against him as a result of his conviction. The bill retains the authority of the Governor to restore the civil rights of persons convicted of felonies.

*Patron - Hanger*

**CSJ34 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*

**CSJ39 Constitutional amendment (first resolution); Literary Fund; proceeds from forfeited property for drug offenses distributed for the purpose of promoting law enforcement.** Specifies that, regarding the current provision that proceeds from the sale of forfeited property for drug offenses be paid into the state treasury and distributed for the purpose of promoting law enforcement, the purpose of promoting law enforcement shall be as defined by general law.

*Patron - Reeves*

**CSJ51 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 - Deeds*

**CSJ68 Constitutional amendment (first resolution); apportionment; criteria for electoral districts.** Provides the

criteria for electoral districts drawn by the General Assembly. The amendment directs that electoral districts are (i) to be composed of contiguous and compact territory, (ii) to be drawn utilizing existing political boundaries, and (iii) to be as nearly equal in population as is practicable but with variations in the size of districts permitted in order to comply with other reapportionment criteria. The amendment prohibits electoral districts being drawn for the purpose of favoring or disfavoring any political party, incumbent legislator or member of Congress, or other individual or entity. The amendment authorizes the General Assembly to provide additional standards, definitions, or guidance in order to facilitate the objective interpretation and application of such criteria.

*Patron - Vogel*

## Other Resolutions

### Passed

**[P]HJ16 Bleeding Disorders Awareness Month.** Designates March, in 2019 and in each succeeding year, as Bleeding Disorders Awareness Month in Virginia.

*Patron - Adams, D.M.*

**[P]HJ30 Victims of Communism Memorial Day.** Designating November 7, in 2018 and in each succeeding year, as Victims of Communism Memorial Day in Virginia.

*Patron - Cole*

**[P]HJ42 General Casimir Pulaski Day.** Designates October 11, in 2018 and in each succeeding year, as General Casimir Pulaski Day in Virginia.

*Patron - Rush*

**[P]HJ55 Endometriosis Awareness Month.** Designates March, in 2018 and in each succeeding year, as Endometriosis Awareness Month in Virginia.

*Patron - Keam*

**[P]HJ59 Celebrate Transportation Day.** Designates the Thursday before Memorial Day, in 2019 and in each succeeding year, as Celebrate Transportation Day.

*Patron - Head*

**[P]HJ64 General Thaddeus Kosciuszko Day.** Designates October 15, in 2018 and in each succeeding year, as General Thaddeus Kosciuszko Day in Virginia. The resolution is identical to SJ 63.

*Patron - Freitas*

**[P]HJ76 Women Veterans Week.** Designates the third full week of March, in 2018 and in each succeeding year, as Women Veterans Week in Virginia. The resolution is identical to SJ 36.

*Patron - Murphy*

**[P]HJ81 Fall Prevention Awareness Week.** Designates the third full week of September, in 2018 and in each succeeding year, as Fall Prevention Awareness Week in Virginia. The resolution is identical to SJ 47.

*Patron - Delaney*

**[P]HJ90 National Beer Day.** Designates April 7, in 2019 and in each succeeding year, as National Beer Day in Virginia. The resolution incorporates HJ 116.

*Patron - Robinson*

**[P]HJ95 Pollinator Awareness Week.** Designates the last full week of June, in 2019 and in each succeeding year, as Pollinator Awareness Week in Virginia.

*Patron - Guzman*

**[P]HJ114 Drug-free Pain Management Awareness Month.** Designates September, in 2018 and in each succeeding year, as Drug-free Pain Management Awareness Month in Virginia.

*Patron - Hugo*

**[P]HJ131 Tamil New Year Day.** Designating April 14, in 2019 and in each succeeding year, as Tamil New Year Day in Virginia.

*Patron - Bulova*

**[P]HJ135 Makar Sankranti Day in Virginia.** Designates January 14, in 2018 and in each succeeding year, as Makar Sankranti Day in Virginia.

*Patron - McGuire*

**[P]HJ142 Recovery Sunday.** Designating the third Sunday of September, in 2018 and in each succeeding year, as Recovery Sunday in Virginia.

*Patron - Hodges*

**[P]HJ144 Sorensen Day.** Designates February 13, 2018, as Sorensen Day in Virginia, in celebration of the 25th anniversary of the founding of the Sorensen Institute for Political Leadership at the University of Virginia.

*Patron - Keam*

**[P]HJ178 Electrical Safety Month.** Designating May, in 2018 and in each succeeding year, as Electrical Safety Month in Virginia.

*Patron - Hope*

**[P]HR15 House of Delegates; portrait of the former Speaker.** Authorizes and allocates funding for the painting of a portrait of former Speaker of the House of Delegates William J. Howell to be hung in the Chamber of the House of Delegates.

*Patron - Gilbert*

**[P]SJ36 Women Veterans Week.** Designates the third full week of March, in 2018 and in each succeeding year, as Women Veterans Week in Virginia. The resolution is identical to HJ 76.

*Patron - Wexton*

**[P]SJ47 Fall Prevention Awareness Week.** Designates the third full week of September, in 2018 and in each succeeding year, as Fall Prevention Awareness Week in Virginia. The resolution is identical to HJ 81.

*Patron - Ebbin*

**[P]SJ63 General Thaddeus Kosciuszko Day.** Designates October 15, in 2018 and in each succeeding year, as General Thaddeus Kosciuszko Day in Virginia. The resolution is identical to HJ 64.

*Patron - Reeves*

**[P]SJ85 Virginia Women's Monument Commission; membership and dedication.** Reconstitutes the Virginia Women's Monument Commission by (i) adding to the membership the Architectural Historian of the Capitol Square Preservation Council; (ii) allowing the Governor, the Speaker of the House of Delegates, the Secretary of Administration, and the Librarian of Virginia to appoint a designee to serve in their place; (iii) allowing the chair to designate three emeritus members to serve without voting privileges; and (iv) granting ex officio members voting rights privileges. The resolution also provides that the dedication of the monument shall be coordinated by the Clerk of the Senate, the Clerk of the House of Delegates, and the Secretary of Administration.

*Patron - McDougale*

## Failed

**FHJ4 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 - Lopez*

**FHJ13 Encouraging localities to develop a more uniform and streamlined permitting process.** Expresses the sense of the General Assembly that localities be encouraged to develop a more uniform and streamlined permitting process. Such an effort would benefit from having the Virginia Association of Counties and the Virginia Municipal League take the lead in developing a model application and permitting process while utilizing the best practices from localities throughout the Commonwealth.

*Patron - Yancey*

**FHJ24 Encouraging the Governor to request the U.S. Department of Labor's Bureau of Labor Statistics to develop a standard occupational classification for direct support professionals.** Encourages the Governor to request the U.S. Department of Labor's Bureau of Labor Statistics to develop a standard occupational classification for direct support professionals to allow for collection of accurate information about direct support professionals and facilitate the setting of appropriate reimbursement rates for direct support professionals providing services through the Commonwealth's Home and Community-Based Services waiver program.

*Patron - Hope*

**FHJ32 Coal dust blown from moving trains.** Requests certain railroad companies to make available to the General Assembly, at least annually, information on actions likely to have an impact on coal dust blown from moving trains.

*Patron - Lindsey*

**FHJ54 Commemorative postage stamp; Japanese Americans in World War II.** Encourages the United States Postmaster General to issue a commemorative postage stamp honoring the contributions of Japanese Americans during World War II.

*Patron - Keam*

**FHJ69 2016 Virginia's Working Waterfront Master Plan.** Supporting the 2016 Virginia's Working Waterfront Master Plan.

*Patron - Bloxom*

**FHJ82 Manufactured housing communities.** Recognizes the importance of manufactured housing communities.

*Patron - Adams, D.M.*

**FHJ84 Governor encouraged to enter into agreements regarding Medicaid services, benefits, and programs.** Encourages the Governor to enter into an agreement with the U.S. Secretary of Health and Human Services to extend to all eligible residents of the Commonwealth the full range of services, benefits, and programs available under federal law and regulations through the Medicaid program.

*Patron - Plum*

**FHJ92 Affirming the Commonwealth's commitment to diversity and safeguarding the civil rights and dignity of all Virginians.** Affirms the state's commitment to diversity and safeguarding the civil rights and dignity of all Virginians. The resolution instructs the Clerk of the House of Delegates to transmit copies of the resolution to the Secretary of Education, the Superintendent of Public Instruction, and the Executive

Director of the State Council of Higher Education for Virginia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly in this matter.

*Patron - Lopez*

**FHJ100 Broadband Internet access.** Recognizes that broadband Internet is basic infrastructure, access to which is a critical necessity in the 21st century.

*Patron - Toscano*

**FHJ116 National Beer Day.** Designates April 7, in 2019 and in each succeeding year, as National Beer Day in Virginia. This resolution was incorporated into HJ 90.

*Patron - LaRock*

**FHJ117 Board of Education; code of ethics and professional responsibility for educators in public elementary and secondary schools in the Commonwealth; report.** Requests the Board of Education to establish a code of ethics and professional responsibility for educators in public elementary and secondary schools in the Commonwealth that contains certain prohibitions relating to instructional content.

*Patron - LaRock*

**FHJ129 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 - Robinson*

**FHJ138 School boards; suicidal students.** Requests each school board in the Commonwealth to provide resources or training to all full-time and part-time school board employees on the identification of students who are suicidal.

*Patron - Roem*

**FHR1 Memorializing Congress; reinstatement of portions of the Glass-Steagall Act.** Urges the Congress of the United States to support efforts to reinstate the separation of commercial and investment banking functions previously in effect under the Glass-Steagall Act and support efforts to return to national banking policies to repair our nation's infrastructure.

*Patron - Rasoul*

**FHR4 Recognizing the achievements of the Honorable Dr. William Ferguson Reid.** Recognizes the achievements and civic and political contributions of Dr. William Ferguson Reid, former member of the House of Delegates, and expresses support for the placement of a monument on Monument Avenue in the City of Richmond in honor of his outstanding service to the Commonwealth.

*Patron - Guzman*

**FHR5 Memorializing the United States Senate; federal recognition of certain Indian tribes in Virginia.** Urges the United States Senate to pass H.R. 984, the Thomasina E. Jordan Indian Tribe of Virginia Recognition Act. The legislation, which has passed the House of Representatives, recognizes six state-recognized tribes--the Chickahominy Indian Tribe, the Chickahominy Indian Tribe - Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation Tribe, and the Nansemond Indian Tribe.

*Patron - Yancey*

**FHR14 Day of Women.** Recognizes January 22, in 2018 and each succeeding year, as the Day of Women in Virginia and provides that January 22 of each year no longer be known as the Day of Tears in Virginia.

*Patron - Convirs-Fowler*

**[F]SJ4 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 - Surovell*

**[F]SJ11 United States Constitution; application for a convention of the states; balancing the federal budget.** Makes application to the United States Congress to call an amendment convention pursuant to Article V of the United States Constitution for the purpose of proposing an amendment to the United States Constitution that pertains to the subject of balancing the federal budget.

*Patron - Cosgrove*

**[F]SJ26 United States Constitution; application for a convention of the states; balancing the federal budget.** Makes application to the United States Congress to call an amendment convention pursuant to Article V of the Constitution of the United States for the purpose of proposing an amendment to the United States Constitution that pertains to the subject of balancing the federal budget. The resolution was incorporated into SJ 11.

*Patron - Hanger*

**[F]SJ41 Airport development; environmental approvals.** Encourages the Federal Aviation Administration to delegate to the Virginia Secretary of Transportation and the Virginia Department of Aviation the administration of environmental approvals needed to develop in and around airports.

*Patron - Cosgrove*

**[F]SJ42 Recognition of the Wolf Creek Cherokee Tribe of Virginia.** Extends state recognition to the Wolf Creek Cherokee Tribe of Virginia within the Commonwealth.

*Patron - McClellan*

**[F]SJ52 Recognizing need for four lanes of traffic on U.S. Route 220 through Botetourt and Alleghany Counties to connect Interstate 81 and Interstate 64.** Expresses the support of the General Assembly in creating four lanes of traffic on U.S. Route 220 through Botetourt and Alleghany Counties to connect Interstate 81 and Interstate 64.

*Patron - Deeds*

**[F]SJ55 Working waterfronts in Virginia.** Recognizing the importance of working waterfronts in Virginia.

*Patron - Lewis*

**[F]SJ73 Commemorating the anniversaries of the Hungarian Revolution and the establishment of the Third Republic of Hungary and recognizing the contributions of Hungarian Americans in the Commonwealth.** Commemorates two key events in the history of modern Hungary that both happened on October 23, the 1956 uprising against the Soviet Union and the 1989 liberation and independence of the Third Republic of Hungary. The resolution also recognizes the contributions of the Hungarian Americans who have enriched the culture and economy of the Commonwealth.

*Patron - Black*

**[F]SJ74 Encouraging the creation of a consolidated application for state and federal services and the sharing of data.** Encourages the Secretary of Health and Human Resources, the Secretary of Education, and their associated state agencies to analyze the feasibility of developing and implementing a consolidated application for state and federal services administered by the Commonwealth and to explore opportunities to share data among state agencies regarding applicants for and recipients of such services.

*Patron - Ebbin*

**[F]SJ80 World Hypnotism Day.** Designates January 4, in 2019 and in each succeeding year, as World Hypnotism Day in Virginia.

*Patron - McPike*

## Carried Over

**[C]HJ49 Interstate conventions; selection of commissioners and committee procedures.** Adopts procedures for selecting and replacing commissioners to represent the Virginia General Assembly at interstate conventions. The procedures clarify the scope of authority of commissioners and committees at such conventions, enforce limits on such authority, and prescribe an oath to be taken by interstate convention commissioners.

*Patron - Cole*

**[C]SJ31 Interstate conventions; selection of commissioners and committee procedures.** Adopts procedures for selecting and replacing commissioners to represent the Virginia General Assembly at interstate conventions. The procedures clarify the scope of authority of commissioners and committees at such conventions, enforce limits on such authority, and prescribe an oath to be taken by interstate convention commissioners.

*Patron - Peake*

## Budgets, Bonds, and Claims

### Passed

**[P]HB762 Claims; Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice.** Provides for the relief of Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice, also known as the Norfolk Four, who were wrongly convicted of the rape and murder of Michelle Moore Bosko. The relief for each claimant is contingent on the claimant's entering into an agreement requiring the City of Norfolk to compensate him at least the amount of the state relief.

The bill authorizes the Commonwealth to provide additional compensation to a wrongfully incarcerated person if a state or local officer fabricates evidence used to obtain a wrongful conviction and withholds evidence establishing the person's innocence. Such compensation is in addition to compensation for wrongful incarceration and may not exceed the amount awarded for wrongful incarceration. The bill provides that such additional compensation shall not become effective until the wrongfully incarcerated person releases any claims against the Commonwealth and, if applicable, enters into an agreement with the agency or locality that fabricated and withheld evidence whereby such agency or locality matches the amount of compensation provided by the Commonwealth. This bill is identical to SB 772.

*Patron - Jones, S.C.*

**[P]HB766 Bonds for institutions of higher education.** Authorizes issuance of bonds in an amount up to \$21 million for revenue-producing capital projects at institutions of higher education. The bill contains an emergency clause. This bill is identical to SB 232.

*Patron - Jones, S.C.*

**[P]HB821 Conveyance of Little Island Coast Guard Station.** Authorizes the Department of Conservation and Recreation to convey all of its right, title, and interest in a parcel in Virginia Beach within Little Island Park known as the Little

Island Coast Guard Station in exchange for property adjacent to Little Island Park that provides public access to Back Bay.

*Patron - Knight*

**[P]HB1010 Claims; Robert Davis.** Provides relief in the amount of \$582,313 to Robert Davis, who was incarcerated from 2004 until 2015 after entering an Alford Plea to charges of first-degree and second-degree murder. On December 15, 2016, Governor McAuliffe granted an Absolute Pardon to Davis, after two witnesses who had testified against him recanted their testimony and law enforcement stated that his confession was improperly obtained.

Davis's relief would be paid as follows: (i) an initial lump sum of \$116,463 to be paid within 60 days immediately following the execution of a release by Davis from any present or future claims he may have and (ii) the sum of \$465,850 to purchase an annuity before September 30, 2018, for the primary benefit of Davis with the terms structured in his best interests. In addition, the bill entitles Davis to receive up to \$10,000 for tuition for career and technical training within the Virginia Community College System.

*Patron - Toscano*

**[P]HB1159 Designating the Sgt. Lawrence G. Sprader, Jr., Memorial Bridge.** Designates the bridge on Middle Road over Interstate 295 in Prince George County the "Sgt. Lawrence G. Sprader, Jr., Memorial Bridge."

*Patron - Brewer*

**[P]SB232 Bonds for institutions of higher education.** Authorizes issuance of bonds in an amount up to \$21 million for revenue-producing capital projects at institutions of higher education. The bill contains an emergency clause. This bill is identical to HB 766.

*Patron - Hanger*

**[P]SB587 Conveyance of certain property in Caledon State Park.** Authorizes the Department of Conservation and Recreation to quitclaim and release all of its right, title, and interest in an unimproved parcel of land near the southwest corner of Caledon State Park without consideration.

*Patron - Stuart*

**[P]SB772 Claims; Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice.** Provides for the relief of Danial J Williams, Joseph Jesse Dick, Jr., Eric Cameron Wilson, and Derek Elliot Tice, also known as the Norfolk Four, who were wrongly convicted of the rape and murder of Michelle Moore Bosko. The relief for each claimant is contingent on the claimant's entering into an agreement requiring the City of Norfolk to compensate him at least the amount of the state relief.

The bill authorizes the Commonwealth to provide additional compensation to a wrongfully incarcerated person if a state or local officer fabricates evidence used to obtain a wrongful conviction and withholds evidence establishing the person's innocence. Such compensation is in addition to compensation for wrongful incarceration and may not exceed the amount awarded for wrongful incarceration. The bill provides that such additional compensation shall not become effective until the wrongfully incarcerated person releases any claims against the Commonwealth and, if applicable, enters into an agreement with the agency or locality that fabricated and withheld evidence whereby such agency or locality matches the amount of compensation provided by the Commonwealth. This bill is identical to HB 762.

*Patron - Surovell*

**[P]SB821 New River Valley Emergency Communications Regional Authority; annual contributions.** Authorizes the Board of the New River Valley Emergency Communica-

tions Regional Authority to develop an allocation formula to determine each participating political subdivision's annual contribution to the Authority's annual budget. If the allocation formula is not approved by each participating political subdivision, then each political subdivision shall contribute an amount equal to the Authority's annual budget divided by the number of participating political subdivisions. This bill is identical to HB 1500.

*Patron - Edwards*

## Failed

**[F]HB29 Budget Bill.** Amends Chapter 836 of the 2017 Acts of Assembly.

*Patron - Jones, S.C.*

**[F]HB30 Budget Bill.** Provides for appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia, and provides a portion of revenues for the two years ending respectively on the thirtieth day of June 2019 and the thirtieth day of June 2020.

*Patron - Jones, S.C.*

**[F]HB769 Capital outlay plan.** Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Patron - Jones, S.C.*

**[F]SB29 Budget Bill.** Amends Chapter 836 of the 2017 Acts of Assembly.

*Patron - Norment*

**[F]SB30 Budget Bill.** Provides for appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia, and provides a portion of revenues for the two years ending respectively on the thirtieth day of June 2019 and the thirtieth day of June 2020.

*Patron - Norment*

**[F]SB231 Capital outlay plan.** Updates the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Patron - Hanger*

**[F]SB985 Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2018; report.** Establishes the Hurricane and Flooding Risk Reduction and Bond Rating Protection Act of 2018. Establishes the Commonwealth of Virginia as a nonfederal sponsor of hurricane and flooding risk reduction projects. There is also established the Virginia Hurricane and Flood Risk Reduction Authority (the Authority) and a board of directors (the Board) of the Authority. The Board shall exercise for the Governor executive authority over all phases of hurricane and flood risk reduction programs, including investigations, construction, operations, and maintenance. The Authority shall be established to fulfill the directives of the Board. The Authority shall be hosted by a department of the Commonwealth as designated by the Governor. That department shall provide support to the Authority, including budgeting, work facilities, administrative management, logistics, human resources, legal, contracts, and information resources. The Joint Legislative Audit and Review Commission (JLARC) shall consult with Louisiana's Legislative Fiscal Office to assess the increased state and local tax flows in Louisiana that resulted from post-Katrina federal spending, including spending for civil works storm and flooding risk reduction project. The bill requires JLARC to report to the General Assembly no later than November 1, 2018, on the results of its initial assessment. The provisions of the bill are contingent on funding in a general appropriation act.

*Patron - Wagner*



## Charters

### Passed

**[P]HB123 Charter; Town of Buchanan charter; elections; town council members; employees of town.** Staggers the elections of the town's four council members so that, beginning with the November general election in 2019, two members shall be elected to two-year terms in odd-numbered years, and two members and the mayor shall be elected to two-year terms in even-numbered years. The bill also makes the town clerk and town treasurer employees of the town, responsible to the town manager. The bill changes who shall appoint the town treasurer from the town council to the town manager. The bill contains technical amendments.

*Patron - Austin*

**[P]HB267 Charter; Town of Crewe.** Removes a provision placing the police force of the town under the control of the mayor.

*Patron - Wright*

**[P]HB283 Charter; City of Richmond; office of the inspector general; city auditor.** Creates an office of the inspector general for the City of Richmond. The inspector general shall be appointed by the council, and the duties of the inspector general shall be to conduct such investigations as are authorized by the Code of Virginia for a local government auditor. The bill authorizes the inspector general, in the conduct of such investigation, to order the attendance of any person as a witness and the production by any person of all relevant books and papers. The bill also authorizes the city auditor to appoint such accountants and other assistants for the performance of the duties of the city auditor's office as the council may provide for and sets out the duty of the city auditor to examine and audit all accounts, books, records, and financial transactions of the city, and of any department, board, commission, office, or agency thereof, including all trust funds, special funds, and other funds. This bill is identical to SB 356.

*Patron - McQuinn*

**[P]HB316 Charter; City of Norfolk; appointment of officers; record of ordinances; division of fire.** Replaces references to election of certain city officers with references to appointment of such officers and deletes a reference to viva voce voting. The bill removes a provision requiring ordinances to be published in a newspaper of general circulation within 10 days after passage and outdated and duplicative provisions related to claims for property destroyed in a fire. This bill is identical to SB 256.

*Patron - Jones, J.C.*

**[P]HB488 Charter; Town of Blacksburg.** Makes clarifying changes to language that provides that the town shall vote on a proposed ordinance two times and that an ordinance may only be passed at the same meeting at which the public hearing is held unless the agenda for such meeting indicates that the ordinance will not be acted on at the meeting.

*Patron - Hurst*

**[P]HB637 Charter; City of Bristol.** Dissolves the economic development committee of Bristol, Virginia. The Industrial Development Authority of the City of Bristol, Virginia (the City), shall have all the powers to induce manufacturing, industrial, and commercial enterprises to locate or remain in the City as authorized by the Industrial Development and Revenue Bond Act and shall specifically have all powers vested in the former economic development committee of the City.

*Patron - O'Quinn*

**[P]HB756 Charter; City of Chesapeake; director of audit services.** Provides that the director of audit services for

the City of Chesapeake shall be known as the City Auditor, shall be chosen solely on the basis of professional qualifications, and shall serve at the pleasure of the city council. This bill is identical to SB 127.

*Patron - Leftwich*

**[P]HB1166 Charter; Town of Front Royal.** Makes extensive updates to the Town of Front Royal's charter by deleting outdated provisions and updating references to current law. Other changes include granting certain powers regarding blighted or derelict structures, rewriting public notice provisions, and granting authority to contract with users from outside the town for provision of water, gas, electric, sewer, or other utility services, notwithstanding any other provision of law. This bill is identical to SB 550.

*Patron - Collins*

**[P]HB1240 Charter; Town of Amherst.** Alters the election of members of the town council of the Town of Amherst from two-year terms to four-year staggered terms. This bill is identical to SB 871.

*Patron - Cline*

**[P]HB1399 Charter; Town of Broadway.** Amends the town's charter to reflect the recent change to November municipal elections and changes the mayor's term from two years to four years. This bill is identical to SB 546.

*Patron - Wilt*

**[P]HB1428 Charter; Town of Jonesville.** Lengthens the terms of councilmen and the mayor from two years to four years. The bill contains an emergency clause.

*Patron - Kilgore*

**[P]HB1437 Charter; Town of Middleburg.** Provides that the Middleburg town council may, notwithstanding any other provision of law, levy a tax on business personal property, as described in the Code of Virginia, without regard to the existence of, or rate of, tax on motor vehicles or any other classification of tangible personal property. This bill is identical to SB 594.

*Patron - Gooditis*

**[P]SB127 Charter; City of Chesapeake; director of audit services.** Provides that the director of audit services for the City of Chesapeake shall be known as the City Auditor, shall be chosen solely on the basis of professional qualifications, and shall serve at the pleasure of the city council. This bill is identical to HB 756.

*Patron - Cosgrove*

**[P]SB256 Charter; City of Norfolk; appointment of officers; record of ordinances; division of fire.** Replaces references to election of certain city officers with references to appointment of such officers and deletes a reference to viva voce voting. The bill removes a provision requiring ordinances to be published in a newspaper of general circulation within 10 days after passage and outdated and duplicative provisions related to claims for property destroyed in a fire. This bill is identical to HB 316.

*Patron - Lewis*

**[P]SB356 Charter; City of Richmond; office of the inspector general; city auditor.** Creates an office of the inspector general for the City of Richmond. The inspector general shall be appointed by the council, and the duties of the inspector general shall be to conduct such investigations as are authorized by the Code of Virginia for a local government auditor. The bill authorizes the inspector general, in the conduct of such investigation, to order the attendance of any person as a witness and the production by any person of all relevant books and papers. The bill also authorizes the city auditor to appoint such accountants and other assistants for the performance of the duties of the city auditor's office as the council may provide for and sets out the duty of the city auditor to examine and audit all accounts, books, records, and financial

transactions of the city, and of any department, board, commission, office, or agency thereof, including all trust funds, special funds, and other funds. This bill is identical to HB 283.

*Patron - McClellan*

**[P]SB546 Charter; Town of Broadway.** Amends the town's charter to reflect the recent change to November municipal elections and changes the mayor's term from two years to four years. This bill is identical to HB 1399.

*Patron - Obenshain*

**[P]SB550 Charter; Town of Front Royal.** Makes extensive updates to the Town of Front Royal's charter by deleting outdated provisions and updating references to current law. Other changes include granting certain powers regarding blighted or derelict structures, rewriting public notice provisions, and granting authority to contract with users from outside the town for provision of water, gas, electric, sewer, or other utility services, notwithstanding any other provision of law. This bill is identical to HB 1166.

*Patron - Obenshain*

**[P]SB594 Charter; Town of Middleburg.** Provides that the Middleburg town council may, notwithstanding any other provision of law, levy a tax on business personal property, as described in the Code of Virginia, without regard to the existence of, or rate of, tax on motor vehicles or any other classification of tangible personal property. This bill is identical to HB 1437.

*Patron - Vogel*

**[P]SB750 Charter; City of Richmond; equal educational opportunities; school infrastructure.** Requires the mayor of the City of Richmond to present to the city council not later than January 1, 2019, a fully funded plan to modernize the city's K-12 educational infrastructure consistent with national standards or inform city council that such a plan is not feasible. The bill prohibits basing the fully funded plan on the passage of new or increased taxes for that purpose.

*Patron - Sturtevant*

**[P]SB871 Charter; Town of Amherst.** Alters the election of members of the town council of the Town of Amherst from two-year terms to four-year staggered terms. This bill is identical to HB 1240.

*Patron - Peake*

## Failed

**[F]HB195 Charter; City of Alexandria; tree planting and replacement.** Grants the City authority to adopt an ordinance providing for the planting and replacement of trees during the development process. The ordinance shall require that the site plan for any subdivision or development include the planting or replacement of trees on the site to the extent that, at 10 years, minimum tree canopies or covers will meet certain criteria based on zoning, density, and other factors set out in the ordinance. The ordinance shall provide for reasonable provisions for reducing the tree canopy requirements or granting tree cover credit in consideration of the preservation of existing tree cover or for preservation of trees of outstanding age, size, or physical characteristics. The ordinance shall provide for reasonable exceptions to or deviations from these requirements to allow for the reasonable development of areas devoid of healthy or suitable woody materials, for the preservation of wetlands, or otherwise when the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer. Penalties for violations of ordinances adopted pursuant to this section shall be the same as those applicable to other violations of the zoning ordinance.

*Patron - Herring*

**[F]HB1409 Charter; City of Richmond; equal educational opportunities; school infrastructure.** Requires the

mayor of the City of Richmond to present to the city council not later than January 1, 2019, a fully funded plan to modernize the city's K-12 educational infrastructure consistent with national standards or inform city council that such a plan is not feasible.

*Patron - Bourne*

**[F]HB1574 Charter; Town of Iron Gate.** Amends provisions related to the time of council elections to reflect the town council's recent transition to November elections and updates provisions related to the filling of vacancies.

*Patron - Webert*

**[F]SB681 Charter; Town of Iron Gate.** Amends provisions related to the time of council elections to reflect the town council's recent transition to November elections and updates provisions related to the filling of vacancies.

*Patron - Deeds*

## Study Resolutions

### Passed

**[P]HJ26 Study; continuing the Joint Subcommittee on Coastal Flooding; report.** Continues the Joint Subcommittee on Coastal Flooding for two additional years, through the 2019 interim.

*Patron - Stolle*

**[P]HJ77 Study; Center for Innovative Technology; feasibility of a statewide dig once policy; report.** Directs the Secretary of the Commerce and Trade to request the Center for Innovative Technology (CIT) to study the feasibility of a statewide dig once policy, including the installation of conduits with bridge construction projects. In conducting its study, CIT shall examine the feasibility of a blanket policy for all nine of the Virginia Department of Transportation (VDOT) districts and shall consult various stakeholders, such as the Virginia Broadband Advisory Council, VDOT, telecommunication and cable providers, and utility providers.

*Patron - Boysko*

**[P]HJ98 Study; Department of Taxation; appeals concerning valuation of business property; report.** Directs the Department of Taxation to study and make recommendations by December 1, 2019, on the appeals process for valuation of real and personal property of businesses.

*Patron - Byron*

**[P]HJ103 Study; Christopher Newport University; state-run retirement savings plan for people without employer-provided plans; report.** Requests Christopher Newport University to study the feasibility and merits of a state-run retirement savings plan for employers and their employees who do not have access to an employer-provided retirement savings plan.

*Patron - Torian*

**[P]HJ118 Study; Department of Social Services; regulation of independent living communities. Report.** Requests the Department of Social Services to study regulation of independent living communities. The Department shall examine the operations of independent living communities and the level of services provided therein, including residential health care services coordinated through third-party providers, and determine whether some or all independent living communities should be regulated and to what extent and by what agency. The Department shall also determine whether the Commonwealth should establish the Office of the Independent Living Community Ombudsman to receive, record, and respond to

complaints submitted by residents and other citizens regarding the operations of independent living communities.

*Patron - Bell, Robert B.*

**[F]SJ19 Study; continuing the Joint Subcommittee on Coastal Flooding; report.** Continues the Joint Subcommittee on Coastal Flooding for two additional years, through the 2019 interim.

*Patron - Locke*

**[F]SJ75 Study; ethics laws; report.** Establishes a two-year joint subcommittee consisting of six legislative members (four delegates and two senators) and two nonlegislative citizen members to study the current ethics laws in the Commonwealth. In conducting its study, the joint subcommittee shall study the disclosure requirements of the members of the General Assembly and lobbyists and identify those portions of the ethics laws that should be repealed, substantially amended, rewritten for clarity, or retained in their present form. In its review, the joint subcommittee shall examine the effectiveness and efficiency of the ethics laws in promoting public trust and confidence in the service of public officials.

*Patron - Norment*

## Failed

**[F]HJ1 Study; JLARC; sentencing of drug offenders; report.** Directs the Joint Legislative Audit and Review Commission to study and report on the efficiency and effectiveness of the Virginia courts' sentencing of Schedule I and Schedule II drug offenders.

*Patron - Herring*

**[F]HJ3 Study; JLARC; Virginia High School League; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the Virginia High School League (VHSL). The resolution directs JLARC, in conducting its study, to (i) review the usefulness of the functions currently performed by VHSL; (ii) assess how effectively VHSL fulfills its role, including its sanctioning authority; (iii) assess whether there is sufficient transparency and accountability in VHSL executive committee, board, and staff decisions, operations, and funding; (iv) compare the role and operations of VHSL with those of similar organizations in other states; (v) assess whether VHSL as currently structured is the best model for performing the functions that VHSL currently performs; and (vi) review other issues and make recommendations as appropriate.

*Patron - Bell, Richard P.*

**[F]HJ8 Study; Department of Transportation; purchase of the Dulles Greenway; report.** Requests the Department of Transportation to study the feasibility of purchasing all or part of the Dulles Greenway.

*Patron - Bell, John J.*

**[F]HJ15 Study; eliminate food deserts in Virginia; report.** Requests the Secretary of Health and Human Resources to study use of community gardens as a method of eliminating food deserts in the Commonwealth. In conducting the study, the Secretary is requested to (i) examine options for increasing access to healthy and affordable food products for low-income and poor citizens and impoverished communities throughout the Commonwealth and (ii) evaluate the benefits of and barriers to use of community gardens as an option for increasing access to healthy and affordable food products for low-income and poor citizens and impoverished communities throughout the Commonwealth and develop recommendations for overcoming such barriers. The Secretary of Health and Human Resources must submit his findings and recommendations to the 2019 Regular Session of the General Assembly.

*Patron - McQuinn*

**[F]HJ17 Study; Standards of Learning Innovation Committee; experiential learning and workforce development opportunities in high-demand fields; report.** Requests that the Standards of Learning Innovation Committee study experiential learning and workforce development opportunities for high school students in high-demand fields. The bill requires the Standards of Learning Innovation Committee to reports its findings no later than the first day of the 2019 Regular Session of the General Assembly.

*Patron - Filler-Corn*

**[F]HJ25 Study; JLARC to study reduction or elimination of tolls on Midtown and Downtown Tunnels in Hampton Roads; report.** Directs the Joint Legislative Audit and Review Commission to study the feasibility of reducing or eliminating tolls on the Midtown and Downtown Tunnels in Hampton Roads.

*Patron - Heretick*

**[F]HJ27 Study; JLARC; ongoing efforts throughout the Commonwealth with regard to coastal flooding adaptation and resiliency; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study ongoing efforts throughout the Commonwealth with regard to coastal flooding adaptation and resiliency. The resolution directs JLARC, in conducting its study, to (i) conduct an assessment of the economic exposure of the Commonwealth from a natural disaster; (ii) conduct a comprehensive review of state resources currently available to businesses following a natural disaster; (iii) assess the adequacy and effectiveness of the Commonwealth's coastal flooding and adaptation development programs, particularly in Hampton Roads, the Peninsula, and the Northern Neck; (iv) assess how effectively the state and local governments develop, manage, and oversee coastal flooding and adaptation practices and strategies; (v) examine best practices and strategies used by the public and private sectors in other states and other countries to manage and "live with" water through successful coastal flooding and adaptation strategies; and (vi) review any other issues and make recommendations as appropriate.

*Patron - Stolle*

**[F]HJ28 Study; JLARC; effects of daylight saving time on the Commonwealth; report.** Directs the Joint Legislative Audit and Review Commission to study the effects of the Commonwealth's continued observance of daylight saving time under the Uniform Time Act of 1966 (15 U.S.C. §§ 260-64 et seq.) and the potential consequences of a decision to use either standard time or daylight saving time year round in the Commonwealth.

*Patron - Bell, Richard P.*

**[F]HJ29 Study; JLARC; administration of the Children's Services Act; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to conduct a comprehensive review of the Children's Services Act (§ 2.2-5200 et seq.), including its administration, structure, funding sources, and covered services. The resolution directs JLARC to make recommendations for improvement in these areas and to ensure the future success of the Children's Services Act.

*Patron - Bell, Richard P.*

**[F]HJ39 Study; Joint Commission on Technology and Science; reporting of information breaches by localities; report.** Directs the Joint Commission on Technology and Science to (i) evaluate and compare the various methods used by localities to report unauthorized breaches of personal information to the Office of the Attorney General and affected residents of the Commonwealth; (ii) identify one or more methods of reporting, such as through a central portal system, that promote the efficient and timely reporting of information breaches; and (iii) develop a list of best practices, processes, and resources that localities can use for cyber security remediation assistance and to report unauthorized information breaches.

*Patron - Murphy*

**FHJ56 Study; JLARC; teaching profession in Virginia; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the teaching profession in Virginia. In conducting its study, JLARC shall (i) evaluate all areas of teacher preparation programs in Virginia, including entry-level positions, licensing and certifications, and programs related to master teachers, school counselors, and administrators; (ii) identify the reasons teachers leave the profession; (iii) review the Department of Education's recent report to the General Assembly concerning teacher shortage disciplines for the 2017-2018 school year and project the shortage rates by subject areas for the next five years; (iv) determine whether disparities exist in compensation and benefits, work environment, turnover, and attrition by region of the Commonwealth and rank the regions where disparities and shortages are poorer; (v) compare the compensation, work environment, turnover, and attrition in Virginia with that of other states; (vi) evaluate current and innovative policies and programs that may contribute to improved student academic achievement and a strong teacher workforce implemented in Virginia and other states; and (vii) consider other issues and make recommendations that JLARC determines necessary for a thorough and comprehensive assessment of the teaching profession in the Commonwealth. The bill requires JLARC to report its findings to the Governor and the 2019 Session of the General Assembly.

*Patron - Turpin*

**FHJ58 Study; Department of Rail and Public Transportation; improved transportation services; report.** Requests that the Department of Rail and Public Transportation (the Department) identify and recommend potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties and study the feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1. The Department shall report on its findings and recommendations on the first day of the 2019 and 2020 Regular Sessions of the General Assembly.

*Patron - Carroll Foy*

**FHJ60 Study; JLARC; impact of state-owned ports on local governments; report.** Directs the Joint Legislative Audit and Review Commission to review and update its 1999 study entitled "Review of the Impact of State-Owned Ports on Local Governments."

*Patron - James*

**FHJ66 Study; Department of Transportation; commuter rail system in the Commonwealth; report.** Requests the Department of Transportation to study and develop best practices for constructing, operating, and maintaining a commuter rail system in the Commonwealth.

*Patron - Roem*

**FHJ68 Study; Department of Transportation to study State Route 28; report.** Requests that the Department of Transportation study the feasibility of implementing improvements to State Route 28 in Prince William County between the City of Manassas Park and Fairfax County.

*Patron - Roem*

**FHJ70 Study; JLARC; costs of education; report.** Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

*Patron - Bloxom*

**FHJ74 Study; Department of Labor and Industry; effect of the switch to electric vehicles on automotive mechanics; report.** Requests that the Department of Labor and Industry (i) identify the ways in which the market shift from vehicles using internal combustion engines to electric vehicles will affect automotive mechanics and businesses in the Commonwealth's automotive maintenance and repair industry; (ii) determine the amount by which the demand for

automotive repair and maintenance will be reduced as a result of the switch to electric vehicles; (iii) identify and analyze the need and opportunities for automotive mechanics to develop their mechanical knowledge of electric vehicles and the experience necessary to service and repair such vehicles; (iv) assess the manners in which businesses will need to adapt their business models to accommodate the consumer shift to electric vehicles; and (v) make recommendations for measures that may be taken to assist automotive mechanics and businesses in the Commonwealth's automotive maintenance and repair industry to adapt to and succeed in the marketplace of electric vehicles.

*Patron - Reid*

**FHJ75 Study; State Council of Higher Education for Virginia; institutional student loans; report.** Requests that the State Council of Higher Education for Virginia study alternative payment structures and collection methods for delinquent payments on student tuition charges at public institutions of higher education.

*Patron - Hurst*

**FHJ80 Study; JLARC; compliance reviews; higher education management agreements; report.** Directs the Joint Legislative Audit and Review Commission to perform compliance reviews of the management agreements between the Commonwealth and The College of William and Mary in Virginia, the University of Virginia, Virginia Commonwealth University, and Virginia Polytechnic Institute and State University that were entered into pursuant to the Restructured Higher Education Financial and Administrative Operations Act of 2005 (the Restructuring Act) and to make recommendations for any amendment to any such management agreement that it deems necessary to ensure compliance with the provisions of the Restructuring Act.

*Patron - Poindexter*

**FHJ85 Study; Virginia State Crime Commission; hate crimes; report.** Directs the Virginia State Crime Commission to study the prevalence of hate crimes in the Commonwealth and the adequacy of the current provisions of the Code of Virginia in addressing such crimes in comparison with the laws of other states across the nation.

*Patron - Plum*

**FHJ87 Study; joint subcommittee to study adding additional lanes on Interstate 81 between Winchester and Bristol; report.** Establishes a joint subcommittee to study the feasibility of adding additional lanes on Interstate 81 between Winchester and Bristol.

*Patron - O'Quinn*

**FHJ88 Study; Department of Education to study teacher licensing process; report.** Requests the Department of Education to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession.

*Patron - Bagby*

**FHJ89 Study; Department of Motor Vehicles; portable scales; report.** Requests the Department of Motor Vehicles to study and develop best practices for allowing a tolerance for overweight truck violations when using portable truck scales.

*Patron - Peace*

**FHJ91 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 real estate devoted to (a) agricultural use, (b) horticultural use, (c) forest use, and (d) 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 such locality after taking into consideration such use values.

*Patron - Webert*

**FHJ94 Study; Office of Drinking Water; Commonwealth's drinking water infrastructure and oversight of the drinking water program; report.** Requests the Office of Drinking Water of the Department of Health (the Office) to study the Commonwealth's drinking water infrastructure and oversight of the drinking water program. In conducting its study, the Office shall (i) identify problems or issues that may result in contamination of drinking water with lead or copper or other substances or organisms or increase the likelihood of contamination of drinking water with lead or copper or other substances or organisms and (ii) develop recommendations for addressing such problems or issues.

*Patron - Lopez*

**FHJ96 Study; JLARC; increasing hazardous duty retirement benefits for certain categories of law-enforcement officers; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the impact, feasibility, scope, and cost of increasing hazardous duty retirement benefits for certain members of the Virginia Law Officers' Retirement System. In its study, JLARC is directed to examine increasing such benefits for Capitol Police officers, campus police officers, conservation police officers in the Department of Game and Inland Fisheries, and several other categories of law-enforcement officers.

*Patron - Hurst*

**FHJ97 Study; JLARC; pretrial services agencies; report.** Directs the Joint Legislative Audit and Review Commission to study and report on the efficiency and effectiveness of pretrial services agencies in the Commonwealth.

*Patron - Gilbert*

**FHJ101 Study; Department of Mines, Minerals and Energy; use of energy storage devices; report.** Requests the Department of Mines, Minerals and Energy, as directed through the Virginia Solar Energy Development and Energy Storage Authority, to conduct a two-year study to determine what regulatory reforms and market incentives are necessary to increase the use of energy storage devices in the Commonwealth.

*Patron - Toscano*

**FHJ105 Study; JLARC; impact of state-owned ports on local governments; report.** Directs the Joint Legislative Audit and Review Commission to review and update its 1999 study entitled "Review of the Impact of State-Owned Ports on Local Governments."

*Patron - Heretick*

**FHJ106 Study; Broadband Advisory Council; broadband availability and the most cost-effective means to provide broadband coverage to the greatest number of people; report.** Requests the Broadband Advisory Council to develop a system for rating communities that indicates where the most people can be served by increased broadband coverage for the least cost.

*Patron - Gooditis*

**FHJ107 Study; JLARC; adequacy of prisoner educational and vocational training programs; report.** Directs the Joint Legislative Audit and Review Commission to (i) identify all educational and vocational training programs provided to prisoners in the Commonwealth; (ii) calculate the percentage of prisoners who participate in such educational and vocational training programs; (iii) identify and analyze any correlation between participation in such programs and successful reentry into the community, including correlations related to employment and recidivism; and (iv) make recommendations to improve current educational and vocational training programs,

create additional programs, and increase the number of prisoners participating in such programs.

*Patron - Aird*

**FHJ108 Study; Joint Legislative Audit and Review Commission; universal access to Virginia Preschool Initiative programs; report.** Directs the Joint Legislative Audit and Review Commission to study the amount of funds required to make preschool available to each four-year-old in the Commonwealth through the Virginia Preschool Initiative by projecting, on a school division-by-school division basis for the 2019 & #8211; 2020 school year, (i) Virginia Preschool Initiative program enrollments, (ii) total four-year-old student populations, and (iii) the state and local funds required to expand access to such programs to each four-year-old based on the current allocation formula for determining the state and local share of funding.

*Patron - Aird*

**FHJ109 Study; Department of Medical Assistance Services; transportation for individuals with disabilities, mental illness, and substance abuse problems; report.** Requests the Department of Medical Assistance Services to (i) identify the current transportation needs of individuals with disabilities, mental illness, and substance abuse problems in the Commonwealth; (ii) determine the extent to which these needs are being met; (iii) identify reoccurring problems associated with such state-funded transportation services, including providers arriving late or failing to show up for a scheduled trip, a lack of consistency in drivers for regularly scheduled trips, inefficient and time-consuming routes, and a general lack of communication between providers and the individuals receiving transportation services; (iv) analyze the cost of expanding state-funded transportation services to cover individuals who have a mental illness or substance abuse problems and are not receiving assistance under the state plan for medical assistance; (v) gather and consider input from all relevant stakeholders regarding such transportation needs and strategies for improving the Commonwealth's transportation services for individuals with disabilities, mental illness, and substance abuse problems; and (vi) make recommendations regarding strategies, policies, or programs that the Commonwealth can utilize to better meet the transportation needs of individuals with disabilities, mental illness, and substance abuse problems, including establishing partnerships with ride-sharing companies.

*Patron - Gooditis*

**FHJ112 Study; Secretary of Education; full funding of the Standards of Quality; report.** Requests that the Secretary of Education study the requirements for the full funding of the Standards of Quality by establishing a work group consisting of interested stakeholders to review the current methods and formulae that the General Assembly utilizes to fund the Standards of Quality, with a particular focus on any adjustments or additional funding required to provide free public education to low-income students, students who receive special education, and English language learners.

*Patron - Rodman*

**FHJ113 Study; JLARC; streamlining of special elections in the Commonwealth; report.** Directs the Joint Legislative Audit and Review Commission to study the streamlining of special elections in the Commonwealth. In conducting its study, JLARC shall (i) review the current laws governing special elections, (ii) evaluate the costs borne in recent years by the localities to conduct special elections as compared to voter turnout at such elections, and (iii) consider options for a cohesive set of laws to govern special elections and for scheduling special elections, including the merits of establishing a uniform schedule. General registrars, members of local electoral boards, and other election administrators will be invited to participate in the study.

*Patron - Sickles*

**[F]HJ115 Study; JLARC; costs of education; report.** Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

*Patron - LaRock*

**[F]HJ122 Study; laws and policies governing investigation of child abuse; report.** Directs the Virginia State Crime Commission to study the laws and policies governing the reporting, investigation, and tracking of cases of alleged child abuse in the Commonwealth. The study also requests that the Commission identify any advantages or disadvantages of requiring local police departments or the Virginia State Police to investigate every complaint of alleged child abuse and that the Commission make recommendations to increase the quality and effectiveness of child protective services and investigations into alleged cases of child abuse.

*Patron - Reid*

**[F]HJ123 Study; Joint Commission on Health Care to study onsite temporary emergency electrical power sources of licensed assisted living facilities; report.** Directs the Joint Commission on Health Care to study (i) the feasibility of requiring an onsite temporary emergency electrical power source for licensed assisted living facilities and (ii) the services that assisted living facilities should be required to provide or continue to provide during an emergency.

*Patron - Hope*

**[F]HJ124 Study; JLARC; health care spending; report.** Directs the Joint Legislative Audit and Review Commission to study health care spending in the Commonwealth.

*Patron - Carter*

**[F]HJ125 Study; JLARC; cost of implementing universal health care in the Commonwealth; report.** Directs the Joint Legislative Audit and Review Commission to study the cost of implementing universal health care in the Commonwealth.

*Patron - Carter*

**[F]HJ126 Study; JLARC; costs of education; report.** Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the funds necessary to fully implement the Standards of Quality.

*Patron - Carroll Foy*

**[F]HJ153 Study; blockchain; report.** Establishes a one-year joint subcommittee consisting of seven legislative members and five nonlegislative members to study the potential implementation of blockchain technology in state recordkeeping, information storage, and service delivery. In conducting the study, the joint subcommittee shall research, analyze, and consider (i) opportunities and risks associated with using blockchain technology in state recordkeeping, information storage, and service delivery; (ii) different types of blockchain technology and the feasibility of implementing each type; (iii) projects and use cases currently under development in other states and nations and how those cases could be applied in Virginia; (iv) how early adoption of blockchain technology may stimulate interest and growth in Virginia's information technology industry; and (v) how current laws in the Commonwealth can be modified to support blockchain technology.

*Patron - Davis*

**[F]SB801 Study; behavioral health in state correctional facilities; report.** Requests that the Department of Corrections, in collaboration with the Department of Behavioral Health and Developmental Services, study the provision of patient-centered behavioral health services in state correctional facilities.

*Patron - Favola*

**[F]SJ7 Study; JLARC; impact of state-owned ports on local governments; report.** Directs the Joint Legislative Audit and Review Commission to review and update its 1999 study entitled "Review of the Impact of State-Owned Ports on Local Governments."

*Patron - Lucas*

**[F]SJ13 Study; joint committee to study the 2016 conditional rezoning proffer reform bill; report.** Establishes a joint committee of the Senate Committee on Local Government and the House Committee on Counties, Cities and Towns to study the 2016 conditional rezoning proffer reform bill. In conducting its study, the joint committee is directed to gather information and develop recommendations on the impact that the 2016 proffer reform bill has had on development, including: (i) data regarding the growth, decline, or stagnation in the number, size, scale, or monetary value of development projects in the Commonwealth; (ii) new or revised policies, guidance, and practices adopted by localities regarding negotiations with developers; (iii) litigation, decisions of local boards of appeals, and other justiciable matters that have arisen from, or been directed at the proffer reform bill; and (iv) any other result, consequence, or impact the proffer reform bill has had on development in the Commonwealth. The joint committee shall invite developers, localities, and other stakeholders to participate in the study.

*Patron - Black*

**[F]SJ28 Study; Virginia State Crime Commission; decrease in driving a motor vehicle while intoxicated convictions; report.** Directs the Virginia State Crime Commission to study the causes of the decrease over the past five years in convictions for driving a motor vehicle while intoxicated.

*Patron - Surovell*

**[F]SJ29 Study; JLARC; costs of education; report.** Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

*Patron - Spruill*

**[F]SJ30 Study; Joint Legislative Audit and Review Commission; free community college; report.** Directs the Joint Legislative Audit and Review Commission to study the feasibility of providing Virginians the opportunity to attend comprehensive community college without paying tuition or fees.

*Patron - Edwards*

**[F]SJ40 Study; aviation and aerospace certification of teachers and curriculum; report.** Establishes a 13-member joint committee of the Senate Committee on Education and Health and the House Committee on Education to study how Virginia can meet the future workforce development needs of the aviation and aerospace industries. In conducting the study, the joint committee shall (i) seek out and interview representatives of aviation and aerospace workforce development programs and hear recommendations for changes that can be made to state law to assist, expand, and support such programs; (ii) provide recommendations for changes to state law that will ease certification of teachers of K-12 aviation and aerospace courses when such teachers are qualified by other professional organizations, while maintaining the overall high quality of Virginia's public education system; and (iii) provide recommendations for changes to state law that will provide Virginia students opportunities to learn aviation and aerospace curricula in compliance with the Standards of Learning.

*Patron - Cosgrove*

**[F]SJ48 Study; school-based health care; report.** Requests the Department of Medical Assistance Services and the Department of Education to study the integration of health care services into public schools in the Commonwealth.

*Patron - McPike*

**[F]SJ49 Study; Joint Commission on Health Care; rising health insurance premiums; report.** Directs the Joint Commission on Health Care to identify options to address rising premiums for health benefit plans sold in the Commonwealth.

*Patron - Deeds*

**[F]SJ50 Study; State Corporation Commission; health insurance rate reviews; report.** Requests the State Corporation Commission to study the adequacy of the existing process for review and approval of accident and sickness insurance premiums.

*Patron - Deeds*

**[F]SJ53 Study; Virginia Housing Commission; accessory dwelling structures; report.** Directs the Virginia Housing Commission to study accessory dwelling structures, defined as additional living quarters on single-family dwelling structures that are independent of the primary dwelling unit. In conducting the study, the Commission is to review (i) the prevalence and necessity for accessory dwelling structures, (ii) relevant provisions of the Uniform Statewide Building Code, and (iii) the feasibility of changing land use and zoning practices in order to facilitate their expanded use. The bill also directs the Commission to make recommendations concerning the use and placement of accessory dwelling structures.

*Patron - Deeds*

**[F]SJ54 Study, Joint Commission on Health Care; access to Medicare supplement insurance policies for individuals under age 65; report.** Directs the Joint Commission on Health Care to study access to Medicare supplement insurance policies for individuals under age 65.

*Patron - Deeds*

**[F]SJ56 Study; JLARC; costs of education; report.** Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.

*Patron - Sturtevant*

**[F]SJ57 Study; JLARC; balance billing by out-of-network health care providers; report.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study balance billing by out-of-network health care providers. The resolution directs JLARC to (i) examine the practice by hospitals of independently contracting with out-of-network physicians to provide emergency care; (ii) identify the costs of balance billing in circumstances when consumers receive health care services at an in-network hospital's emergency care department network from an out-of-network provider; and (iii) identify ways to protect covered patients from balance billing in situations where a patient is not able to select the provider on the basis of whether the provider is in his plan's network.

*Patron - Sturtevant*

**[F]SJ58 Study; use and impact of law clerks on judicial workload and work product; report.** Requests the Office of the Executive Secretary of the Supreme Court of Virginia to study the use and impact of law clerks on judicial workload and work product, including potential costs to the Commonwealth to provide funds for law clerks in all circuit courts.

*Patron - Surovell*

**[F]SJ59 Study; identification of and interventions for dyslexia; report.** Establishes a one-year joint subcommittee consisting of seven members of the House Committee on Education and six members of the Senate to study the identification of and interventions for dyslexia in the public elementary and secondary schools of the Commonwealth. The resolution was incorporated into SJ 62.

*Patron - Newman*

**[F]SJ62 Study; joint committee; the future of public elementary and secondary education in the Commonwealth;**

**report.** Continues for one additional year the Joint Committee of the Senate Committee on Education and Health and the House Committee on Education to Study the Future of Public Elementary and Secondary Education in the Commonwealth, consisting of six members of the Senate and seven members of the House Committee on Education. This resolution incorporates SJ 59.

*Patron - Newman*

## Carried Over

**[C]HJ19 Study; joint committee; the future of public elementary and secondary education in the Commonwealth; report.** Continues for one additional year the Joint Committee of the House Committee on Education and the Senate Committee on Education and Health to Study the Future of Public Elementary and Secondary Education in the Commonwealth, consisting of seven members of the House Committee on Education and six members of the Senate.

*Patron - Bell, Richard P.*

**[C]SJ6 Study; Department of Education to study teacher licensing process; report.** Requests to study the teacher licensure process and the assessment requirements therein for any inherent biases that may prevent minority teacher candidates from entering the profession.

*Patron - Locke*

**[C]SJ32 Study; Virginia Department of Transportation; feasibility of eastern bypass for U.S. Route 29 around Charlottesville; report.** Requests the Virginia Department of Transportation to study the feasibility of an eastern bypass for U.S. Route 29 around Charlottesville.

*Patron - Peake*

**[C]SJ33 Study; VDOT; Route 60 Corridor; report.** Requests the Department of Transportation to review and update its 1999 study entitled "Route 60 Corridor Study: Amherst, Nelson, Appomattox, Buckingham, Cumberland, and Powhatan Counties."

*Patron - Peake*

**[C]SJ65 Study; Department of Corrections; solitary confinement; report.** Requests the Department of Corrections, in consultation with the Department of Criminal Justice Services, to study the use of solitary confinement, including segregation and other forms of solitary confinement, by the Department of Corrections.

*Patron - Marsden*





## Appendix A: Session Statistics

# 2018 SESSION STATISTICS

	Introduced	Passed	Carried Over	Failed
<b>House Bills</b>	1,610	507	39	1,064
<b>House Joint Resolutions</b>	576	484	2	90
<b>House Resolutions</b>	210	200	0	10
<b>House Total</b>	2,396	1,191	41	1,164
<b>Senate Bills</b>	996	367	147	482
<b>Senate Joint Resolutions</b>	249	197	18	34
<b>Senate Resolutions</b>	81	78	0	3
<b>Senate Total</b>	1,326	642	165	519
<b>General Assembly Total</b>	3,722	1,833	206	1,683



# Appendix B: 2018 SESSION HIGHLIGHTS

The *2018 Session Highlights* summarizes significant legislation considered by the 2018 Session of the General Assembly as selected by the staff of the Virginia Division of Legislative Services. The brief overview of the 2018 Session covers legislative actions through sine die on Saturday, March 10, 2018. 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/Natural Resources

### Passed

**HB 345/SB 265 Special Assistant to the Governor for Coastal Adaptation and Protection.** Creates the executive branch position of Special Assistant to the Governor for Coastal Adaptation and Protection (the Assistant). The bill provides that the Assistant shall be the lead in developing and in providing direction and ensuring accountability for a statewide coastal flooding adaptation strategy. The bill directs the Assistant to initiate and assist with economic development opportunities associated with adaptation, to advance academic expertise at the Commonwealth Center for Recurrent Flooding and Resiliency, and to pursue federal, state, and local funding opportunities for adaptation initiatives.

**HB 532/SB 247 Industrial hemp research programs.** Authorizes the Commissioner of Agriculture and Consumer Services to undertake research through the establishment of (i) a higher education industrial hemp research program, to be managed by institutions of higher education, and (ii) a Virginia industrial hemp research program. The bill classifies all participants in any research program as either growers or processors and replaces the current licensing requirement, which requires a police background check, with a registration requirement.

**SB 698 Erosion and sediment control; inspections; natural gas pipelines; stop work instructions.** Authorizes the Department of Environmental Quality (the Department) to conduct inspections of the land-disturbing activities of interstate and intrastate natural gas pipeline companies that have approved annual standards and specifications as such land-disturbing activities relate to construction of any natural gas transmission pipeline greater than 36 inches inside diameter to determine (i) compliance with such annual standards and specifications, (ii) compliance with any site-specific plans, and (iii) if there have been or are likely to be adverse impacts to water quality as a result of such land-disturbing activities. The bill authorizes the Department to issue a stop work instruction on the relevant part of the site when the Department determines that there has been a substantial adverse impact to water quality or that a substantial and imminent adverse impact to water quality is likely to occur as a result of such land-disturbing activities. The bill requires that upon written documentation of completion by the company and approval by the Department in writing of the corrective measures specified in the stop work instruction, the instruction shall be immediately lifted. Such stop work instruction may be appealed to the circuit court of the jurisdiction where the violation was alleged to have occurred or other appropriate court.

**SB 950 Pipeline construction; Water Protection Permit; additional certification for upland impacts.** Provides that, for the construction of certain natural gas transmission pipelines greater

## Table of Contents

Agriculture/Natural Resources.....	1
Alcoholic Beverage Control.....	2
Business.....	3
Constitutional Amendments.....	5
Corrections.....	5
Courts/Civil Law.....	6
Courts/Criminal Justice.....	6
Education.....	7
Elections.....	8
General Laws.....	9
Health.....	9
Social Services.....	10
Taxation.....	11
Transportation/Motor Vehicles.....	11

than 36 inches inside diameter (Pipelines), the issuance of a Virginia Water Protection Permit (VWPP) and an additional water quality certification for upland conditions shall together constitute the certification required under § 401 of the federal Clean Water Act. The bill requires the builder of a Pipeline to submit an application to the Department of Environmental Quality (the Department) describing all activities that will occur in upland areas and authorizes the Department to request certain additional information from the applicant. The bill directs the Department to determine whether any activities not addressed by the VWPP are likely to result in a discharge to state waters with the potential to adversely impact water quality and then to develop an additional certification containing any additional conditions for activities in upland areas. The bill directs the Department to prepare a public notice of such draft certification conditions and to allow for public comment. The bill requires an individual VWPP for impacts to state waters for the construction of any Pipeline and requires that each wetland and stream crossing be considered as a single project, with an individual review of each proposed water body crossing with an upstream drainage area of five square miles or greater; however, the bill requires only one individual VWPP addressing all water body crossings for each Pipeline. The bill requires that any Pipeline be constructed in a manner that minimizes impacts to state waters and protects water quality to the maximum extent practicable, including by using certain best management practices. The bill directs the State Water Control Board to exempt the construction of Pipelines from its general permits for the activities of certain utilities and public service companies and to complete its review of any individual permit application related to the construction of any Pipeline within one year. The bill also prohibits an applicant from commencing a land-disturbing activity prior to approval by the Department of an erosion and sediment control plan and stormwater management plan. Finally, the bill authorizes the Department to assess certain administrative charges in order to cover its costs.

**Failed**

**HB 1610 Menhaden; total landings.** Adjusts the annual total allowable landings for menhaden upward from 168,937.75 metric tons to 170,797.17 metric tons and provides that any portion of the coast-wide total allowable catch that is relinquished by a state that is a member of the Atlantic States Marine Fisheries Commission shall be redistributed to Virginia and other states according to the Commission's allocation guidelines. The bill adjusts the annual harvest cap for the purse seine fishery for Atlantic menhaden in the Chesapeake Bay downward from 87,216 metric tons to 51,000 metric tons. The bill also removes a provision that applied the amount by which certain actual Chesapeake Bay harvests fall below the harvest cap as a credit to the following year.

**SB 872 Tethering animals; adequate shelter and space.** Provides that outdoor tethering of a companion animal shall not meet the requirement that an animal be given adequate shelter, unless the animal is actively engaged in an agricultural or hunting activity, when it is conducted (i) when the temperature is 32 degrees Fahrenheit or lower or 85 degrees Fahrenheit or higher; (ii) during a heat advisory; or (iii) during a severe weather warning. The bill provides that a tether shall meet the requirement that an animal be given adequate space if it is four times the length of the animal or 15 feet in length, whichever is greater, and does not cause injury or

pain or weigh more than one-tenth of the animal's body weight. The bill exempts agricultural animals from existing provisions related to tethering. The bill also authorizes any locality to adopt ordinances that parallel and make more stringent the state law regarding the care of companion animals.

**Alcoholic Beverage Control**

**Passed**

**HB 852/SB 120 Alcoholic beverage control; substance abuse prevention; Virginia Institutions of Higher Education Substance Use Advisory Committee established.** Directs the Board of Directors of the Virginia Alcoholic Beverage Control Authority (Board) to establish and appoint members to the Virginia Institutions of Higher Education Substance Use Advisory Committee (Advisory Committee). The bill provides that the goal of the Advisory Committee shall be to develop and update a statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private institutions of higher education. The bill provides that the Advisory Committee shall consist of representatives from Virginia's public and private institutions of higher education, including students and directors of student health, and such other members as the Board may deem appropriate.

**HB 1602/SB 61 Alcoholic beverage control; confectionery license.** Creates a confectionery license, which authorizes the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. The bill provides that any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold and requires the Board of Directors of the Alcoholic Beverage Control Authority to promulgate regulations to implement the provisions of the bill, which shall include a definition of the term "confectionery" and labeling requirements for such confectionery.

**Failed**

**HB 536/SB 803 Alcoholic beverage control; sales conducted at government stores established by the Alcoholic Beverage Control Board on a distiller's licensed premises; disposition of markup profits.** Provides that any reasonable markup imposed by the Alcoholic Beverage Control Board pursuant to subdivision A 2 of § 4.1-235 on spirits sold at a government store established on a distiller's licensed premises shall be retained by such distiller. The provisions of the bill are contingent on funding in a general appropriation act.

**HB 1541/SB 467 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 a requirement that at least 60 percent of the licensee's annual gross revenue be from the sale of premium tobacco products. The bill also defines "cigar shop" and sets out the state and local license taxes for this license.

## 2018 Session Highlights

### Business

#### **Passed**

**HB 1258/SB 405 Zoning for wireless communications infrastructure.** Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications; a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and limits on the number of new wireless support structures that can be installed in a specific location. The measure prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. The measure states that it does not prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The measure also requires that any publicly owned or privately owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing, by county, city, or town, enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless service.

**SB 807 Electric utilities; coal combustion residuals units; beneficial use projects.** Directs the Director of the Department of Environmental Quality to suspend, delay, or defer the issuance of any permit to provide for the closure of any coal combustion residuals (CCRs) surface impoundment or other CCRs unit that no longer receives CCRs, located within the Chesapeake Bay watershed, until July 1, 2019. These limits do not apply to a permit required for an impoundment where CCRs have already been removed and placed in another impoundment on site, are being removed from an impoundment, or are being processed in connection with a recycling or beneficial use project. The measure also requires the owner or operator of such a CCRs surface impoundment or unit to issue a request for proposals (RFP) for entities to conduct recycling or beneficial use projects for the CCRs at such impoundment or unit. The RFP shall require responding entities to provide information from which the owner or operator is able to determine, among other things, the cost of the recycling or beneficial use of the CCRs. The owner or operator is required by November 15, 2018, to transmit to the Governor and certain

committees and agencies a business plan that compiles the information collected through the RFP process.

**SB 966 Electric utility regulation.** Provides that, in lieu of the biennial review proceedings previously required, Dominion Energy Virginia (DEV) and Appalachian Power (APCo) will be subject to triennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The measure advances the termination of the Transitional Rate Period for DEV by three years, to December 31, 2016. The termination of the Transitional Rate Period for APCo remains December 31, 2017. DEV's first review after its Transitional Rate Period will be held in 2021, which is one year earlier than currently scheduled, and will utilize the four 12-month test periods beginning January 1, 2017, and ending December 31, 2020. APCo's first review after its Transitional Rate Period will be held in 2020, which is unchanged, and will utilize the three 12-month test periods beginning January 1, 2017, and ending December 31, 2019. The measure also (i) requires the State Corporation Commission (SCC) to enter its final order on petitions for approval of a voluntary rate or rate design test or experiment by the earlier of not more than six months after the filing of the petition or three months after the hearing on the petition; (ii) excludes from the definition of "public utility" for purposes of the Utility Facility Act a company that provides storage of electric energy that is not for sale to the public, if the company is not organized as a public utility; (iii) authorizes an investor-owned electric utility, if a cable operator does not elect to relocate facilities underground when the electric utility relocates its facilities underground, to either convey poles to the cable operator or retain ownership of the poles; (iv) provides that an energy efficiency program proposed by an electric or natural gas 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 any three of four benefit cost tests; (v) exempts large general service customers from being charged any costs of new energy efficiency programs; (vi) establishes a new rate adjustment clause category for expenses of electric distribution grid transformation projects, which include advanced metering infrastructure, intelligent grid devices, automated control systems for electric distribution circuits and substations, communications networks for service meters, certain distribution system hardening projects, physical security measures at key distribution substations, cyber security measures, certain energy storage systems and microgrids, electrical facilities and infrastructure for electric vehicle charging systems, LED street light conversions, and new customer information platforms; (vii) declares that electric distribution grid transformation projects are in the public interest; (viii) provides that the costs of such projects may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (ix) directs the SCC to approve, without consideration of their reasonableness or prudence, the costs of the conversion of an investor-owned electric utility's existing overhead distribution tap lines with new underground facilities if the average cost per customer does not exceed \$20,000 and the costs per mile do not exceed \$750,000, provided that as of December 31, 2028, any costs recovered by a utility for such purpose is limited to the remaining costs for conversions previously approved or for which approval is pending; (x) requires the SCC to enter an order on a petition for approval of an electric distribution grid transformation project within six months after the petition's filing; (xi) increases the

amount of capacity of solar and wind generation facilities constructed by a utility that are in the public interest from 50 megawatts to 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts; (xii) declares that offshore wind generation facilities with a capacity of not more than 16 megawatts, and all onshore wind generation facilities, are in the public interest and that the costs thereof may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (xiii) provides that if DEV has not commenced construction of an offshore wind generation facility by July 1, 2023, the SCC may cease its rate adjustment clause and roll the costs into its rate base without increasing base rates; (xiv) requires certain costs related to generation plant facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters and costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause to be deemed to have been recovered through customer rates during the test period under review unless doing so would place the utility in an under-earning position, in which event the SCC is required to authorize deferred recovery of such costs and allow the utility to amortize and recover the deferred costs over future periods; (xv) bars the SCC, in the first triennial review proceeding conducted after January 1, 2021, from ordering a rate increase for DEV and from ordering a rate decrease of more than \$50 million; (xvi) allows utilities, upon request, to reduce or eliminate amounts of overearnings that otherwise would be required to be credited to customers by applying a customer credit reinvestment offset for expenses on new solar and wind generation facilities and electric distribution grid transformation projects, if the utility has invested in such projects an amount not less than 100 percent of the amount of its overearnings; (xvii) provides that the portion of the costs associated with new utility-owned solar or wind generation facilities or with electric distribution grid transformation projects that are the subject of a customer credit reinvestment offset shall not be thereafter recoverable through the utility's base rates or a rate adjustment clause; (xviii) requires APCo to continue funding its pilot program for energy assistance and weatherization for low-income, elderly, and disabled individuals at no less than the existing levels, and requires DEV to fund its similar pilot program at no less than \$13 million annually; (xix) directs the SCC to find that prior to January 1, 2024, the construction or purchase by a public utility of certain solar or wind generation facilities, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities, is in the public interest, and requires 25 percent of the generation capacity from such facilities to be from the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities owned by persons other than a public utility; (xx) requires all of such solar generation capacity located in the Commonwealth to be subject to competitive procurement but allows a public utility to select solar generation capacity without regard to whether such selection satisfies price criteria if the selection of the solar generating capacity materially advances non-price criteria if such non-price solar generating capacity selected does not exceed 25 percent of the utility's solar generating capacity; (xxi) authorizes a utility to petition the SCC for a prudence determination for a solar or wind project; (xxii) requires electric utilities to file updates to its integrated resource plan (IRP) in each

year immediately preceding the year the utility is subject to a triennial review filing rather than annually; and (xxiii) requires each electric utility's IRP to evaluate long-term electric distribution grid planning and proposed electric distribution grid transformation projects and developing a long-term plan for energy efficiency measures to accomplish policy goals of reduction in customer bills, reduction in emissions, and reduction in carbon intensity. The provision creating the customer credit reinvestment offset expires on July 1, 2028. The measure also includes enactment clauses that (a) establish a pilot program consisting of the approval of the underground construction of two electrical transmission lines and direct the SCC to approve as a qualifying project a transmission line that appears to track the I-66 Hybrid Route that has been considered in the application of DEV for the Haymarket transmission line project in Prince William County and approve a rate adjustment clause to allow the utility to recover from the utility's Virginia jurisdictional customers the costs of the project; (b) bar APCo from recovering \$10 million of incurred fuel costs; (c) require DEV to provide current customers voluntary bill credits of \$133 million in 2018 and \$67 million in 2019; (d) require reductions in the rates for incumbent electric utilities to reflect reductions in federal tax liability resulting from the enactment of federal tax legislation, including reductions in 2018 of \$50 million by APCo and \$125 million by DEV; (e) direct the SCC to conduct pilot programs for the deployment of electric power storage batteries with capacity limits of up to 10 MW for APCo and 30 MW for DEV; (f) allow certain large nonresidential customers that enter into a three-year minimum exclusive supply agreement to receive a Manufacturing and Commercial Competitiveness Retention Credit that reduces their base generation charges by two percent; (g) require DEV to consider in its next IRP whether the construction or purchase of one or more generation facilities with at least one MW of generating capacity that use combined heat and power or waste heat to power are in the customer interest; (h) require APCo and DEV to investigate the feasibility of providing broadband Internet services to unserved areas of the Commonwealth using utility distribution and transmission infrastructure; (i) require the SCC to submit annual reports that assess, among other things, new construction and development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight; (j) require APCo and DEV to develop programs of energy conservation measures, with APCo's program costing not less than \$140 million and DEV's program costing not less than \$870 million; (k) require APCo and DEV to each investigate and report upon its economic development activities and assistance provided to Virginia localities in the area of economic development in each utility's respective service area; (l) require APCo and DEV to investigate potential improvements to net energy metering programs; (m) require DEV's IRPs to incorporate policy goals of reduction in customer bills, reduction in emissions, and reduction in the utility's carbon intensity; (n) require the SCC to submit annual reports assessing the reliability of electrical transmission or distribution systems, the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid, the level of investment in generation, transmission, or distribution of electricity, and related matters; (o) provide that the provisions of this measure apply retroactively to applications regarding new underground facilities or offshore wind facilities pending with the SCC on or after January 1, 2018; (p)



## 2018 Session Highlights

require APCo, subject to SCC approval, by July 1, 2018, to construct or acquire solar generation facilities in Virginia with an aggregate capacity of not less than 200 MW; (q) provide that no more than one half of the combined capital investment amount attributable to investments in new utility-owned solar or wind generation facilities, electric distribution grid transformation projects, undergrounding distribution facilities, undergrounding two transmission lines, and energy efficiency programs shall be investments in undergrounding distribution facilities, undergrounding two transmission lines, and electric grid distribution transformation projects solely designed for physical security at distribution substations; and (r) require the SCC to submit reports after each triennial review proceeding that describe and quantify investments in solar and wind projects and in electric distribution grid transformation projects.

### Failed

**SB 362 Qualified education loan servicers.** Prohibits any person from acting as a qualified education loan servicer without first obtaining a license from the State Corporation Commission (SCC) and establishes procedures pertaining to such licenses. Banks, credit unions, certain wholly owned subsidiaries of banks and credit unions, and nonprofit institutions of higher education are exempt from the licensing provisions. The servicing of a qualified education loan encompasses (i) receiving any scheduled periodic payments from a qualified education loan borrower pursuant to the terms of a qualified education loan; (ii) applying the payments of principal and interest and such other payments, with respect to the amounts received from a qualified education loan borrower, as may be required pursuant to the terms of a qualified education loan; and (iii) performing other administrative services with respect to a qualified education loan. Qualified education 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 qualified education loan, the terms and conditions of the loan agreement, or the borrower's obligations under the loan; (b) knowingly misapplying or recklessly applying loan payments to the outstanding balance of a qualified education 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. Violations are subject to a civil penalty not exceeding \$2,500. The bill has a delayed effective date of January 1, 2019, but provides that applications shall be accepted, and investigations commenced, by the SCC beginning October 1, 2018.

**SB 625 Consumer finance companies.** Requires the State Corporation Commission, as a condition of licensing a consumer finance company, to find that the applicant will not make consumer finance loans at the same location at which the applicant makes payday loans or motor vehicle title loans. The measure also (i) sets the minimum and maximum amounts of a consumer finance loan at \$500 and \$35,000, respectively; (ii) requires that such loans be installment loans with a term that is not less than six months nor more than 120 months; (iii) sets the maximum annual interest rate on such loans at 36 percent; (iv) authorizes late payment fees of \$20, provided they are set forth in a contract (v) authorizes loan processing fees of the greater of \$75 or five percent of the principal

amount of the loan but not to exceed \$150; and (vi) increases the amount of a bad check fee from \$15 to \$25.

## Constitutional Amendments

### Passed

**HB 71/SB 900 Constitutional amendment (voter referendum); real property tax exemption for surviving spouses of certain disabled veterans.** Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability to allow the surviving spouse to move to a different principal place of residence. Similar real property tax exemptions provided in the Constitution of Virginia to (i) the surviving spouses of members of the armed forces killed in action and (ii) the surviving spouses of certain emergency services providers killed in the line of duty allow the surviving spouse to move to a different principal place of residence and still claim the tax exemption.

**SB 219 Constitutional amendment (voter referendum); real property tax exemption for flooding remediation, abatement, and resiliency.** Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to allow the General Assembly to authorize the governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken.

### Failed

**HJ 2 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.

## Corrections

### Passed

**HB 35/SB 52 Places of confinement for juveniles.** Provides that when juveniles who are determined by the court to be a threat to the security or safety of other juveniles detained in a juvenile secure facility are transferred to or confined to a jail or other facility for the detention of adults, such adult-detention facility must be approved by the State Board of Corrections for the detention of juveniles. The bill removes an existing provision that such juveniles need not be separated and removed from the adult detainees when confined with adults.

Courts/Civil Law

**Passed**

**HB 780/SB 564 Public access to nonconfidential court records.**

Provides that a clerk of court or the Executive Secretary of the Supreme Court shall make nonconfidential court records or reports of aggregated, nonconfidential case data available to the public upon request. The bill specifies that such records or reports shall be provided no later than 30 days after the request. The bill further provides that the clerk may charge a fee for responding to such request that shall not exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested records. Finally, the bill requires the Executive Secretary of the Supreme Court to make available to the public an online case information system of nonconfidential information for criminal cases by July 1, 2019.

**HB 1361/SB 981 Calculation of child support obligation; multiple custody arrangements.** Establishes methods by which child support obligations can be calculated when multiple custody arrangements exist between parents of children subject to child support orders.

**SB 540 Modification of spousal support; retirement age.** Provides that for the purposes of petitioning the court for a modification of spousal support, the payor spouse's reaching full retirement age pursuant to the federal Social Security Act shall be considered a material change in circumstances. The bill provides a list of factors that shall be considered by the court in considering modification based on the payor spouse's reaching full retirement age. A request for modification based on the payor spouse's retirement age is available to any person subject to a spousal support order regardless of the date of the suit for initial setting of support or the date of entry of any such order or decree. The bill provides that in the court's consideration of a petition for modification for any reason, it shall consider the assets or property interest of each of the parties from the date of the support order and up to the time of the hearing on modification or termination and any income generated from the asset or property interest.

**SB 545 Court reporters; prohibited actions; civil penalties.** Establishes ethical standards and requirements for the provision of court reporting services, including prohibiting providers of court reporting services from (i) entering into contracts for more than one case, action, or legal proceeding with a party to an action, insurance company, third-party administrator, or any other person or entity that has a financial interest in the case, action, or legal proceeding; (ii) giving an economic advantage to one side that is not offered to the other; (iii) having a financial interest in the action; (iv) entering into an agreement for court reporting services that restricts an attorney from using the court reporter or court reporting services provider of the attorney's choosing; (v) allowing the format, content, or body of a certified transcript as submitted by the court reporter to be manipulated in a manner that increases the cost of the transcript; and (vi) providing additional advocacy or litigation support services. The bill provides that a person harmed by a violation of these standards may file a complaint with the administrative body, court, or administrative tribunal in which the action upon which the legal proceeding is based is pending or scheduled to be heard. The bill provides that the court reporter or court reporting services

provider alleged to have violated such standards shall be given notice and a right to be heard on any such complaint, with the right of appeal or review. The bill further provides that a person who violates these standards is subject to a civil penalty of \$500 for a first offense, \$750 for a second offense, and \$1,000 for a third and any subsequent offense, which shall be paid to the state treasury and credited to the Legal Aid Services Fund within the Virginia State Bar fund.

**Failed**

**HB 745/SB 610 Adultery; civil penalty.** Reduces the penalty for adultery from a Class 4 misdemeanor to a civil penalty of not more than \$250.

**HB 1305 Recovery of punitive damages.** Eliminates the limitation of the total amount of punitive damages that can be awarded in an action. Current law provides that the total amount awarded for punitive damages shall not exceed \$350,000.

**HB 1336 Spoliation of evidence; jury instruction.** Provides that if a party has possession, custody, or control of evidence, as specified in the bill, that such party knows or reasonably should know may be material to pending or probable litigation, and such evidence is disposed of, altered, concealed, destroyed, or not preserved by such party, a court may instruct that a jury may infer that, if such evidence had been introduced, such evidence would be detrimental to the case of such party. The bill further provides that the party seeking such instruction need not show that the disposal of, alteration of, concealing of, or failure to preserve such evidence was undertaken intentionally or in bad faith in order for such instruction to be given. The bill serves to overrule a portion of the Supreme Court of Virginia's decision in *Emerald Point, LLC v. Hawkins*, 2017 Va. Lexis 197.

Courts/Criminal Justice

**Passed**

**HB 483/SB 562 Restitution; collection; Criminal Injuries Compensation Fund.** Adds to the duties of the Workers' Compensation Commission (the Commission) in its role as administrator of the Criminal Injuries Compensation Fund (Fund) the obligation to (i) identify and locate victims for whom restitution owed to such victims has been deposited into the Fund and (ii) collect and disburse such unclaimed restitution to such victims. The bill directs the Commission to include in its annual report information on all unclaimed restitution that it disburses. The bill provides that clerks shall deposit into the Fund by November 1 of each year restitution collected for victims who can no longer be identified or located, or state that there is no such restitution to be deposited. The bill requires that clerks record the receipt of restitution payments in the automated information system operated by the Supreme Court or a system established and maintained by a circuit court. The bill also provides that the restitution form used by the court shall include the victim's contact information, including address, telephone number, and email address.

**HB 638/SB 526 Trespass; unmanned aircraft system; penalty.** Provides that any person who knowingly and intentionally causes an unmanned aircraft system to enter the property of another and come within 50 feet of a dwelling house (i) to coerce, intimidate, or

## 2018 Session Highlights

harass another person or (ii) after having been given notice to desist, for any other reason, is guilty of a Class 1 misdemeanor. The bill also provides that any person who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally (a) follow or contact another person without such person's permission or (b) capture images of another person without such person's permission when such images render the person recognizable is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of any individual named in the protective order is guilty of a Class 1 misdemeanor. The bill also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems, clarifies the scope of such prohibition, and clarifies that such prohibition extends to all political subdivisions and not only to localities.

**HB 1550/SB 105 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.

**SB 47 Female genital mutilation; criminal penalty.** Increases from a Class 1 misdemeanor to a Class 2 felony the penalty for any person to knowingly circumcise, excise, or infibulate the labia majora, labia minora, or clitoris of a minor; for any parent or guardian charged with the care of a minor to consent to such circumcision, excision, or infibulation; or for any parent or guardian charged with the care of a minor to knowingly remove or cause or permit the removal of such minor from the Commonwealth for the purposes of performing such circumcision, excision, or infibulation.

**SB 669 Involuntary mental health treatment; minors; access to firearms.** Provides that a person who, while a minor 14 years of age or older, was ordered to involuntary inpatient or outpatient treatment or was subject to a temporary detention order and agreed to voluntary admission (i) is subject to the same restrictions on possessing, purchasing, or transporting a firearm as an adult who was similarly ordered to involuntary treatment or was subject to a temporary detention order and agreed to voluntary admission and (ii) may utilize the same procedure as such adult for petitioning for the restoration of such person's firearm rights. The bill also sets out procedures for the submission of any involuntary treatment order or certification of voluntary admission subsequent to a temporary detention order involving a minor 14 years of age or older to the Central Criminal Records Exchange for purposes of determining a person's eligibility to possess, purchase, or transport a firearm that mirror the current procedures for the submission of such orders or certifications for adults.

### Failed

**HB 181 Distracted driving; handheld communications device.** Provides that any person who drives a motor vehicle on any highway while using a handheld personal communications device where such use substantially diverts the driver's attention from the operation of the motor vehicle is guilty of distracted driving. Current law prohibits only the reading of an email or text message on the device and manually entering letters or text in the device as a

means of communication. The bill provides that distracted driving is punishable as a traffic infraction with a fine of not more than \$500 and a mandatory minimum fine of \$250 if the violation occurs in a highway work zone.

**SB 308 Driving under the influence.** Provides an exemption to the prohibition of driving or operating a motor vehicle while under the influence to any person driving or operating a motor vehicle on his own residential property or the curtilage thereof. Current law prohibits the driving or operating of a motor vehicle while under the influence, without such exemption.

**SB 954 Possession of marijuana; first offense; expungement; penalty.** Reduces the penalties for possession of marijuana to a fine of not more than \$500 and makes a first offense violation that has been deferred and dismissed under § 18.2-251 eligible for expungement. Under current law, possession of marijuana is punishable by confinement in jail for not more than 30 days and a fine of not more than \$500, either or both. The bill provides that any person seeking expungement of such first offense violation shall be assessed a \$300 fee, of which \$150 shall be paid into the Heroin and Prescription Opioid Epidemic Fund, created by the bill, and \$150 shall be paid into the state treasury and credited to the Department of State Police. The bill has a delayed effective date of January 1, 2019, except for the provisions related to the reduction of penalties for possession of marijuana, which shall become effective July 1, 2018. The provisions of the bill are contingent upon funding in a general appropriation act. The bill contains technical amendments.

### Education

#### Passed

**HB 919/SB 631 Public institutions of higher education; course credit.** Makes several changes relating to course credit at public institutions of higher education in the Commonwealth, including requiring (i) the Virginia Community College System to develop a 15-credit-hour Passport Program and a 30-credit-hour Uniform Certificate of General Studies Program to be offered at each comprehensive community college and for which courses are transferable, except in certain circumstances, to each baccalaureate public institution of higher education and (ii) each baccalaureate public institution of higher education to develop pathway maps that clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution.

**HB 1125/SB 349 Teacher licensure.** Makes several changes to the teacher licensure process, including (i) permitting teachers with a valid out-of-state license, with full credentials and without deficiencies, to receive licensure by reciprocity without passing additional licensing assessments and (ii) permitting a local school board or division superintendent to waive certain licensure requirements for any individual who holds a provisional license and is employed by the local school board.

**HB 1138/SB 394 Office of the Qualified Education Loan Ombudsman.** Establishes the Office of the Qualified Education Loan Ombudsman (the Office) within the State Council of Higher Education for Virginia. The Office's duties include (i) receiving, reviewing, and attempting to resolve complaints from qualified

education loan borrowers; (ii) compiling and analyzing data on such complaints; (iii) assisting qualified education loan borrowers to understand their rights and responsibilities under the terms of qualified education loans; (iv) providing information regarding the problems and concerns of qualified education loan borrowers; (v) analyzing and monitoring the development and implementation of applicable laws and policies; and (vi) disseminating information concerning the availability of the Office to assist qualified education loan borrowers and any other participant in qualified education loan lending with qualified education loan servicing concerns. The Office is further required to establish and maintain a qualified education loan borrower education course by December 1, 2019.

**HB 1265/SB 368 Education preparation programs; reading specialists; dyslexia.** Requires each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, or certificate for reading specialists to include a program of coursework or other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. The bill requires such programs to (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of an evidence-based, structured literacy instructional approach that includes explicit, systematic, sequential, and cumulative instruction.

**HB 1419/SB 273 Public schools; instructional time.** Requires local school boards to provide (i) a minimum of 680 hours of instructional time to students in elementary, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and (ii) a minimum of 375 hours of instructional time to students in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science. The bill authorizes local school boards to include and requires the Board of Education to accept, elementary school, unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness in any calculation of total instructional time or teaching hours.

**HB 1600 Student discipline; long-term suspension.** Reduces the maximum length of a long-term suspension from 364 calendar days to 45 school days. The bill permits a long-term suspension to extend beyond a 45-school-day period, not to exceed 364 calendar days, if (i) the offense involves weapons, drugs, or serious bodily injury or (ii) the school board or division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education. The bill requires the Department of Education's definition of aggravating circumstances to include consideration of a student's disciplinary history.

**SB 170 Public schools; student discipline.** Prohibits, except for drug offenses, firearm offenses, and certain criminal acts, students in preschool through grade three from being suspended for more than three school days or expelled from attendance at school unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

## Failed

**HB 1473/SB 824 Public institutions of higher education; tuition and fee increases; public comment.** Prohibits the governing board of each public institution of higher education from approving an increase in undergraduate tuition or mandatory fees without providing students and the public an opportunity to provide public comment at a board meeting at least 30 days prior to any vote on such an increase.

**SB 169 Public schools; robotics team competition program.** Requires any nonprofit corporation founded in 1913 that currently organizes and governs interscholastic activities among the public high schools to establish, by July 1, 2021, a varsity level robotics team competition program that includes state championships.

## Elections

### Passed

**HB 1598/SB 106 Standards and criteria for congressional and state legislative districts.** Provides criteria by which congressional and state legislative districts are to be drawn, including equal population, racial and ethnic fairness, respect for existing political boundaries, contiguity, compactness, and communities of interest. The criteria set out would apply to those districts drawn following the 2020 United States Census and thereafter.

### Failed

**HB 1405/SB 825 State Board of Elections; membership; appointment of Commissioner of Elections.** Increases the membership of the State Board of Elections (Board) from three members to six members and increases the terms of Board members from four years to six years. Equal representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the last preceding gubernatorial election. Appointments are to be made with due consideration of geographical representation and no two Board members are to reside in the same congressional district. Terms are initially staggered. The bill also grants to the Board the authority to appoint and remove the Commissioner of Elections, subject to confirmation by the General Assembly, to head the Department of Elections and to act as the principal administrative officer. The appointment or removal of the Commissioner shall require an affirmative vote of five of the six Board members. The bill requires the Board to submit an annual report to the Governor and the General Assembly. The bill has a delayed effective date of January 1, 2019.

### Carried Over

**HB 1424 Recounts; number permitted; tie votes.** Provides that if, after a recount of an election, the recount court finds that each party to the recount has received an equal number of votes, it shall direct a determination by lot, but that no right to a recount shall be permitted. A candidate who loses a determination by lot following a recount may contest the election. The bill prohibits more than one recount of any election.

## 2018 Session Highlights

### General Laws

#### **Passed**

##### **HB 1 Scholastic records; disclosure of directory information.**

Clarifies that student directory information may be publicly disclosed by a school if the school has given notice to the parent or eligible student of (i) the types of information that the school has designated as directory information; (ii) the right of the parent or eligible student to refuse the designation of any or all of the types of information about the student as directory information; and (iii) the period of time within which a parent or eligible student must notify the school in writing that he does not want any or all of the types of information about the student designated as directory information. The bill also provides, however, that no school shall disclose the address, phone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) or the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless the parent or eligible student has affirmatively consented in writing to such disclosure.

##### **HB 371/SB 796 Sexual harassment training; legislative branch.**

Requires General Assembly members, full-time legislative staff of General Assembly members compensated with state appropriations, and full-time employees of each legislative branch agency to complete sexual harassment training once every two calendar years. Training offered by the Office of the Clerk of the House of Delegates and the Office of the Clerk of the Senate must be substantially similar and provided to their respective members and their staff. All other legislative branch employees shall complete the sexual harassment training course offered by either Clerk. The training must be available online 24 hours per day, seven days per week and be substantially similar to any sexual harassment training course offered through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management. Persons elected to the General Assembly or commencing or recommencing full-time employment in the legislative branch will have 90 days from the election or their dates of hire to complete the training unless the person previously completed such training earlier in the same calendar year.

**SB 580 Data collection and dissemination; governance.** Amends the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) to facilitate the sharing of data among agencies of the Commonwealth and between the Commonwealth and political subdivisions. The bill creates the position of Chief Data Officer of the Commonwealth (CDO), housed in the office of the Secretary of Administration, to (i) develop guidelines regarding data usage, storage, and privacy and (ii) coordinate and oversee data sharing in the Commonwealth to promote the usage of data in improving the delivery of services. The bill also creates a temporary Data Sharing and Analytics Advisory Committee (Advisory Committee) to advise the CDO in the initial establishment of guidelines and best practices and to make recommendations to the Governor and General Assembly regarding a permanent data governance structure. The bill directs the CDO and the Advisory Committee to focus their initial efforts on developing a project for the sharing, analysis, and dissemination at a state, regional, and local level of data related to substance abuse, with a focus on opioid addiction, abuse, and overdose.

**HB 883/SB 20 Department of Planning and Budget; regulatory reduction pilot program; report.** Directs the Department of Planning and Budget (the Department), under the supervision of the Secretary of Finance (the Secretary), to administer a three-year regulatory reduction pilot program aimed at reducing by 25 percent the regulations and regulatory requirements, as defined in the bill, of the Department of Professional and Occupational Regulation and the Department of Criminal Justice Services by July 1, 2021. The bill requires the Secretary to report annually to the Speaker of the House and the Chairman of the Senate Rules Committee no later than October 1, 2019, and October 1, 2020, on the progress of the regulatory reduction pilot program. The bill also requires the Secretary to report by August 15, 2021, to the Speaker of the House and the Chairman of the Senate Rules Committee (i) the progress toward identifying the 25 percent reduction goal, (ii) recommendations for expanding the program to other agencies, and (iii) any additional information the Secretary determines may be helpful to support the General Assembly's regulatory reduction and reform efforts. The bill provides that if, by October 1, 2021, the program has achieved less than a 25 percent total reduction in regulations and regulatory requirements across both pilot agencies, the Secretary shall report on the feasibility and effectiveness of implementing a 2-for-1 regulatory budget providing that for every one new regulatory requirement, two existing regulatory requirements of equivalent or greater burden must be streamlined, repealed, or replaced for a period not to exceed three years. Lastly, the bill directs all executive branch agencies subject to the Administrative Process Act (§ 2.2-4000 et seq.) to develop a baseline regulatory catalog and report such catalog data to the Department, which shall then track and report on the extent to which agencies comply with existing requirements to periodically review all regulations every four years.

### Health

#### **Passed**

**HB 793 Nurse practitioners; practice agreements.** Eliminates the requirement for a practice agreement with a patient care team physician for a licensed nurse practitioner who has completed the equivalent of at least five years of full-time clinical experience and submitted an attestation from his patient care team physician stating (i) that the patient care team physician has served as a patient care team physician on a patient care team with the nurse practitioner pursuant to a practice agreement; (ii) that while a party to such practice agreement, the patient care team physician routinely practiced with a patient population and in a practice area included within the category for which the nurse practitioner was certified and licensed; and (iii) the period of time for which the patient care team physician practiced with the nurse practitioner under such a practice agreement. The bill requires that a nurse practitioner authorized to practice without a practice agreement (a) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (b) consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and (c) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers. The bill requires (1) the Boards of

Medicine and Nursing to jointly promulgate regulations governing the practice of nurse practitioners without a practice agreement; (2) the Department of Health Professions, by November 1, 2020, to report to the General Assembly a process by which nurse practitioners who practice without a practice agreement may be included in the online Practitioner Profile maintained by the Department of Health Professions; and (3) the Boards of Medicine and Nursing to report information related to the practice of nurse practitioners without a practice agreement that includes certain data, complaints and disciplinary actions, and recommended modifications to the provisions of this bill to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health and the Chairman of the Joint Commission on Health Care by November 1, 2021.

**HB 1251/SB 726 CBD oil and THC-A oil; certification for use; dispensing.** Provides that a practitioner may issue a written certification for the use of cannabidiol (CBD) oil or THC-A oil for the treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. Under current law, a practitioner may only issue such certification for the treatment or to alleviate the symptoms of intractable epilepsy. The bill increases the supply of CBD oil or THC-A oil a pharmaceutical processor may dispense from a 30-day supply to a 90-day supply. The bill reduces the minimum amount of cannabidiol or tetrahydrocannabinol acid per milliliter for a dilution of the Cannabis plant to fall under the definition of CBD oil or THC-A oil, respectively. As introduced, this bill was a recommendation of the Joint Commission on Health Care. The bill contains an emergency clause.

**HB 1173/SB 632 Limits on prescription of controlled substances containing opioids.** Eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The bill has an expiration date of July 1, 2022.

**SB 330 CBD and THC-A oil.** Adds cannabidiol oil (CBD oil) or THC-A oil to the list of covered substances the dispensing of which must be reported to the Prescription Monitoring Program. The bill requires a practitioner, prior to issuing a written certification for CBD oil or THC-A oil to a patient, to request information from the Director of the Department of Health Professions for the purpose of determining what other covered substances have been dispensed to the patient. The bill requires the Board of Pharmacy to (i) promulgate regulations that include a process for registering CBD oil and THC-A oil products and (ii) require an applicant for a pharmaceutical processor permit to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for a criminal history record search.

#### Failed

**HB 644 Required immunizations; meningococcal conjugate.** Requires the Board of Health to include in regulations governing

the immunization of school children a requirement for one dose of meningococcal conjugate (MCV4) vaccine administered before the child enters the sixth grade. The bill has a delayed effective date of July 1, 2019.

#### Carried Over

**HB 338 Medicaid; work requirement; report.** Directs the Department of Medical Assistance Services (the Department) to apply for a waiver to implement a work requirement for able-bodied adult recipients of medical assistance services. The bill requires the Department to administer the Training, Education, Employment, and Opportunity Program (the Program) to enable Medicaid enrollees to improve their health and well-being through training, education, employment and other community engagement opportunities leading to self-sufficiency. The bill requires Medicaid recipients to participate in the program but provides exceptions for children, individuals age 65 or older, individuals with certain disabilities, and individuals who are the primary caregiver for a dependent. The bill requires enrollees to meet gradually escalating participation requirements, culminating in 20 hours per week of required participation after 12 months of enrollment. The bill provides that the Program shall work with Virginia Workforce Centers or One-Stops to provide services to enrollees.

#### Social Services

#### Passed

**HB 150/SB 184 Child abuse and neglect; founded reports regarding former school employees.** Requires local departments of social services to notify the appropriate school board without delay if the subject of a founded complaint of child abuse or neglect was, at the time of the investigation or the conduct that led to the report, an employee of a school division located within the Commonwealth. Currently, such reporting is only required if the subject of the complaint is an employee of a school division at the time the complaint is determined to be founded.

**SB 539 Child day programs; exemptions from licensure.** Removes certain programs from the list of child day programs exempt from licensure and clarifies that such programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of certain child day programs that remain listed as exempt from licensure and requires that such programs (i) file with the Commissioner of Social Services (the Commissioner), prior to beginning operation of a child day program and annually thereafter, a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the child day program has disclosed to the parents of children in the program the fact that it is exempt from licensure; (ii) report to the Commissioner all incidents involving serious physical injury or death to children attending the child day program; (iii) have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present at the child day program; (iv) maintain daily attendance records; (v) have an emergency preparedness plan in place; (vi) comply with all applicable laws and regulations governing transportation of children; (vii) comply with certain safe sleep practices for infants; and (viii) post in a visible location notice that the program is not licensed by the Department of Social

## 2018 Session Highlights

Services and only certifies basic health and safety requirements. The bill exempts from licensure any program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. The bill also modifies staffing ratios for religious-exempt child day centers. The bill directs the Commissioner to (a) inspect child day programs that are exempt from licensure to determine compliance with the provisions of the bill only upon receipt of a complaint and (b) develop a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs. The bill has a delayed effective date of July 1, 2019.

### Taxation

#### **Passed**

**HB 222/SB 883 Income tax; modification for certain companies; grants.** Establishes an income tax modification for companies that, from 2018 through 2024, either (i) invest at least \$5 million in new capital investment in a qualified locality and create at least 10 jobs paying at least 150 percent of the minimum wage in a qualified locality or (ii) create at least 50 jobs paying at least 150 percent of the minimum wage in a qualified locality. A company is eligible to claim the modification only if it had no property or payroll in Virginia on the effective date of the act. The bill defines "qualified locality" and requires a company to obtain annual certification from the Virginia Economic Development Partnership Authority (the Authority) that the company will have a positive fiscal impact on Virginia, based on consideration of certain factors. It directs the Authority to deny certification to any company that reorganizes for the purpose of taking advantage of the tax benefits provided by the bill. Generally, the amount of the modification is the value of the company's property, payroll, and sales in qualified localities. The bill provides similar modifications for industries that use different apportionment formulas, including motor carriers, financial companies, construction companies, railway companies, manufacturing companies, retailers, and businesses with enterprise data center operations. The bill permits qualified localities to provide grants and loans to companies that qualify for the modification provided by the bill. The bill also authorizes grants and loans of up to \$2,000 per job per year from the Commonwealth's Development Opportunity Fund to an eligible company.

**SB 942 State sales and use tax; Historic Triangle.** Creates a one percent state sales and use tax in the Historic Triangle. Fifty percent of the revenues will be used to market, promote, and advertise the Historic Triangle as an overnight tourism destination and the other 50 percent will be distributed to the localities in which the revenues were collected. The revenues for tourism will be deposited into a fund to be administered by the Tourism Council of the Greater Williamsburg Chamber and Tourism Alliance (the Council), created by the bill. The Council will oversee an office of tourism and will report annually to the chief executive officer of each locality in the Historic Triangle and to the Chairmen of the House Committees on Finance and Appropriations and the Senate Committee on Finance. The bill defines the Historic Triangle as the City of Williamsburg and the Counties of James City and York, an area of historic significance that generates substantial employment and economic benefit for the Commonwealth. The bill removes the authority of

these localities to impose the current \$2 transient occupancy tax used to promote tourism in the area. The bill is contingent on the City of Williamsburg repealing recent ordinances raising the local transient occupancy, food and beverage, and admission taxes and will expire if any of the localities in the Historic Triangle raise or reinstate such taxes in the next seven years.

#### **Failed**

**HB 1165/SB 172 Education Improvement Scholarships tax credits; pre-kindergarten eligibility.** Expands the Education Improvement Scholarships tax credits program by including, as eligible scholarship recipients, children enrolled in, eligible to attend, or attending nonpublic pre-kindergarten programs. The maximum annual scholarship that a child will receive is the lesser of the child's actual educational expenses or the state's share of the grant per child under the Virginia Preschool Initiative for the locality in which the child resides. The bill defines an eligible pre-kindergarten child and a nonpublic pre-kindergarten program and 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, the Virginia Council for Private Education, the Virginia Early Childhood Foundation, or the Virginia Department of Social Services will certify nonpublic pre-kindergarten programs meeting such curriculum and administrative requirements.

**SB 200 Local government taxing authority.** Equalizes municipal taxing authority and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill has a delayed effective date of July 1, 2019, prior to which the Division of Legislative Services is directed to convene a working group to develop recommendations as to what additional legislative changes are needed to effectuate the provisions of the bill.

### Transportation/Motor Vehicles

#### **Passed**

**HB 214/SB 73 Overweight permits for hauling Virginia-grown farm produce; bridges and culverts.** Provides that no five-axle-combination vehicle shall be issued an overweight permit for hauling Virginia-grown farm produce unless such vehicle has no less than 42 feet of axle space between extreme axles. The bill provides that no vehicle issued an overweight permit for hauling Virginia-grown farm produce shall cross any bridge or culvert in the Commonwealth if the gross weight of such vehicle is greater than the amount posted for the bridge or culvert as its carrying capacity. Current law requires specific weight limitations based upon axle weights or axle spacing.

**HB 505 Traffic signs; people with disabilities.** Allows any person who is deaf, blind, or deaf-blind, any person with autism or an intellectual or developmental disability, or the agent of any such person to request that the Department of Transportation (Department) post and maintain signs informing drivers that a person with a disability may be present in or around the roadway and directs the Department to post and maintain such signs in accordance with regulations developed by the Department.



**HB 708 Rear-facing child restraint devices.** Prohibits child restraint devices from being forward-facing until, at least, the child reaches two years of age or until the child reaches the minimum weight limit for a forward-facing child restraint device as prescribed by the manufacturer of the device. The bill expands the reasons that a physician may determine that it is impractical for a child to use a child restraint system to include the child's height. The bill has a delayed effective date of July 1, 2019.

**HB 737 Department of Motor Vehicles documents; veteran indicator.** Requires the Department of Motor Vehicles to issue driver's licenses, permits, and identification cards displaying an indicator signifying that the holder is a veteran, provided that the applicant requests such indicator and provides proof of veteran status. The bill repeals the authority of the Department to issue veterans identification cards.

**HB 830/SB 128 TNC partner vehicles; interior trade dress.** Provides that transportation network company (TNC) partner vehicles may be equipped with certain removable illuminated interior trade dress devices that assist passengers in identifying and communicating with TNC partners. The bill limits the display and color of such illuminated interior trade dress devices and requires a TNC that issues such devices to file the specifications of the device with the Department of Motor Vehicles.

**HB 1539/SB 856 Mass transit in the Commonwealth.** Mass transit in the Commonwealth. Makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to funding of the Washington Metropolitan Area Transit Authority (WMATA) and the disbursement of funds in the Commonwealth Mass Transit Fund. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill uses a variety of existing revenue sources to allocate revenues for mass transit and authorizes the issuance of \$50 million in bonds only for a required federal match. The provisions of the bill are contingent upon Maryland, the District of Columbia, and the federal government adopting similar actions to raise revenues for WMATA.

**SB 410 Steady-burning blue or red lights on law-enforcement vehicles.** Permits law-enforcement vehicles to be equipped with steady-burning blue or red lights in addition to being equipped with flashing, blinking, or alternating blue, blue and red, blue and white, or red, white, and blue combination warning lights of types approved by the Superintendent of State Police.

**Failed**

**HB 207 Operating motor vehicle with accumulated snow or ice; penalty.** Provides that it is a traffic infraction punishable by a fine of \$100 for a person to operate a moving motor vehicle with any amount of accumulated snow or ice on its exposed surfaces where, were the snow or ice to become dislodged from such vehicle, such accumulated snow or ice could interfere with the operation of another motor vehicle or cause injury to persons or property. The bill exempts from the infraction a person operating an emergency vehicle, a vehicle engaged in snow or ice removal and control operations, or a vehicle operated during adverse weather conditions arising after operation of the vehicle began that result in the accumulation of snow or ice on such vehicle.

**DIVISION OF LEGISLATIVE SERVICES**

© 2018 Division of Legislative Services

Published in Richmond, Virginia, by the Division of Legislative Services,  
an agency of the General Assembly of Virginia.

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
<b>House Bills</b>							
HB1 .....	3	HB51 .....	58	HB103 .....	139	HB155 .....	29
HB2 .....	88	HB52 .....	76	HB104 .....	79	HB156 .....	79
HB3 .....	146	HB53 .....	76	HB105 .....	38	HB157 .....	130
HB4 .....	58	HB54 .....	212	HB106 .....	231	HB158 .....	104
HB5 .....	105	HB55 .....	166	HB107 .....	236	HB159 .....	93
HB6 .....	221	HB56 .....	121	HB108 .....	179	HB160 .....	144
HB7 .....	105	HB57 .....	106	HB109 .....	92	HB161 .....	44
HB8 .....	9	HB58 .....	9	HB110 .....	161	HB162 .....	33
HB9 .....	170	HB59 .....	139	HB111 .....	156	HB163 .....	48
HB10 .....	60	HB60 .....	44	HB112 .....	79	HB164 .....	180
HB11 .....	148	HB61 .....	39	HB113 .....	61	HB165 .....	146
HB12 .....	170	HB62 .....	165	HB114 .....	166	HB166 .....	57
HB13 .....	92	HB63 .....	37	HB115 .....	170	HB167 .....	88
HB14 .....	23	HB64 .....	48	HB116 .....	170	HB168 .....	93
HB15 .....	92	HB65 .....	212	HB117 .....	236	HB169 .....	186
HB16 .....	156	HB66 .....	177	HB118 .....	30	HB170 .....	43
HB17 .....	60	HB67 .....	9	HB119 .....	207	HB171 .....	106
HB18 .....	212	HB68 .....	48	HB120 .....	223	HB172 .....	212
HB19 .....	148	HB69 .....	144	HB121 .....	92	HB173 .....	61
HB20 .....	221	HB70 .....	34	HB122 .....	106	HB174 .....	38
HB21 .....	156	HB71 .....	237	HB123 .....	245	HB175 .....	127
HB22 .....	43	HB72 .....	139	HB124 .....	207	HB176 .....	93
HB23 .....	9	HB73 .....	166	HB125 .....	167	HB177 .....	170
HB24 .....	212	HB74 .....	106	HB126 .....	58	HB178 .....	144
HB25 .....	212	HB75 .....	86	HB127 .....	61	HB179 .....	207
HB26 .....	180	HB76 .....	114	HB128 .....	33	HB180 .....	170
HB27 .....	170	HB77 .....	57	HB129 .....	207	HB181 .....	170
HB28 .....	103	HB78 .....	186	HB130 .....	9	HB182 .....	41
HB29 .....	244	HB79 .....	23	HB131 .....	156	HB183 .....	207
HB30 .....	244	HB80 .....	88	HB132 .....	186	HB184 .....	186
HB31 .....	60	HB81 .....	88	HB133 .....	162	HB185 .....	156
HB32 .....	178	HB82 .....	235	HB134 .....	138	HB186 .....	106
HB33 .....	198	HB83 .....	179	HB135 .....	76	HB187 .....	38
HB34 .....	198	HB84 .....	88	HB136 .....	27	HB188 .....	76
HB35 .....	54	HB85 .....	144	HB137 .....	61	HB189 .....	61
HB36 .....	92	HB86 .....	221	HB138 .....	61	HB190 .....	207
HB37 .....	161	HB87 .....	34	HB139 .....	154	HB191 .....	106
HB38 .....	92	HB88 .....	79	HB140 .....	61	HB192 .....	127
HB39 .....	161	HB89 .....	48	HB141 .....	79	HB193 .....	9
HB40 .....	161	HB90 .....	92	HB142 .....	79	HB194 .....	106
HB41 .....	60	HB91 .....	60	HB143 .....	79	HB195 .....	246
HB42 .....	60	HB92 .....	106	HB144 .....	38	HB196 .....	231
HB43 .....	60	HB93 .....	170	HB145 .....	76	HB197 .....	187
HB44 .....	92	HB94 .....	23	HB146 .....	165	HB198 .....	61
HB45 .....	88	HB95 .....	60	HB147 .....	9	HB199 .....	9
HB46 .....	148	HB96 .....	198	HB148 .....	186	HB200 .....	213
HB47 .....	117	HB97 .....	3	HB149 .....	86	HB201 .....	34
HB48 .....	206	HB98 .....	9	HB150 .....	228	HB202 .....	76
HB49 .....	156	HB99 .....	106	HB151 .....	76	HB203 .....	79
HB50 .....	88	HB100 .....	179	HB152 .....	212	HB204 .....	48
		HB101 .....	180	HB153 .....	39	HB205 .....	106
		HB102 .....	27	HB154 .....	207	HB206 .....	180

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB207	170	HB259	162	HB311	33	HB363	187
HB208	61	HB260	178	HB312	107	HB364	76
HB209	34	HB261	49	HB313	180	HB365	208
HB210	55	HB262	54	HB314	10	HB366	62
HB211	223	HB263	107	HB315	130	HB367	43
HB212	3	HB264	121	HB316	245	HB368	157
HB213	124	HB265	107	HB317	93	HB369	208
HB214	167	HB266	61	HB318	93	HB370	171
HB215	88	HB267	245	HB319	94	HB371	123
HB216	235	HB268	107	HB320	94	HB372	102
HB217	55	HB269	166	HB321	187	HB373	208
HB218	176	HB270	23	HB322	179	HB374	62
HB219	171	HB271	23	HB323	34	HB375	3
HB220	44	HB272	107	HB324	31	HB376	3
HB221	213	HB273	34	HB325	31	HB377	223
HB222	207	HB274	54	HB326	54	HB378	54
HB223	10	HB275	107	HB327	149	HB379	130
HB224	93	HB276	107	HB328	156	HB380	94
HB225	61	HB277	56	HB329	88	HB381	58
HB226	180	HB278	54	HB330	102	HB382	108
HB227	228	HB279	61	HB331	10	HB383	235
HB228	165	HB280	62	HB332	10	HB384	138
HB229	48	HB281	62	HB333	187	HB385	34
HB230	106	HB282	145	HB334	94	HB386	157
HB231	88	HB283	245	HB335	146	HB387	167
HB232	30	HB284	39	HB336	94	HB388	94
HB233	44	HB285	231	HB337	124	HB389	228
HB234	154	HB286	21	HB338	137	HB390	94
HB235	57	HB287	167	HB339	3	HB391	145
HB236	167	HB288	213	HB340	208	HB392	198
HB237	3	HB289	85	HB341	49	HB393	198
HB238	43	HB290	62	HB342	62	HB394	10
HB239	121	HB291	228	HB343	149	HB395	213
HB240	162	HB292	54	HB344	146	HB396	154
HB241	228	HB293	79	HB345	3	HB397	104
HB242	10	HB294	80	HB346	121	HB398	3
HB243	162	HB295	53	HB347	146	HB399	88
HB244	198	HB296	93	HB348	130	HB400	49
HB245	48	HB297	3	HB349	94	HB401	10
HB246	126	HB298	187	HB350	94	HB402	49
HB247	10	HB299	107	HB351	149	HB403	108
HB248	231	HB300	62	HB352	198	HB404	117
HB249	148	HB301	179	HB353	62	HB405	62
HB250	38	HB302	49	HB354	94	HB406	235
HB251	93	HB303	76	HB355	213	HB407	130
HB252	93	HB304	220	HB356	107	HB408	126
HB253	93	HB305	93	HB357	107	HB409	213
HB254	10	HB306	10	HB358	223	HB410	193
HB255	93	HB307	62	HB359	21	HB411	86
HB256	213	HB308	171	HB360	40	HB412	62
HB257	10	HB309	130	HB361	140	HB413	231
HB258	61	HB310	213	HB362	39	HB414	86

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB415	62	HB467	41	HB519	63	HB571	63
HB416	236	HB468	221	HB520	181	HB572	157
HB417	80	HB469	213	HB521	95	HB573	157
HB418	228	HB470	149	HB522	80	HB574	4
HB419	55	HB471	43	HB523	181	HB575	225
HB420	94	HB472	236	HB524	171	HB576	95
HB421	198	HB473	10	HB525	75	HB577	120
HB422	25	HB474	140	HB526	214	HB578	214
HB423	95	HB475	140	HB527	40	HB579	214
HB424	187	HB476	149	HB528	229	HB580	171
HB425	23	HB477	235	HB529	214	HB581	167
HB426	171	HB478	62	HB530	123	HB582	171
HB427	108	HB479	31	HB531	236	HB583	157
HB428	171	HB480	80	HB532	21	HB584	121
HB429	130	HB481	33	HB533	181	HB585	80
HB430	38	HB482	59	HB534	108	HB586	198
HB431	220	HB483	76	HB535	149	HB587	34
HB432	171	HB484	76	HB536	27	HB588	231
HB433	117	HB485	80	HB537	95	HB589	146
HB434	157	HB486	26	HB538	208	HB590	208
HB435	157	HB487	121	HB539	108	HB591	208
HB436	198	HB488	245	HB540	108	HB592	44
HB437	228	HB489	167	HB541	21	HB593	23
HB438	88	HB490	213	HB542	95	HB594	143
HB439	180	HB491	86	HB543	4	HB595	63
HB440	80	HB492	171	HB544	89	HB596	63
HB441	80	HB493	225	HB545	229	HB597	63
HB442	88	HB494	44	HB546	63	HB598	24
HB443	88	HB495	208	HB547	27	HB599	172
HB444	179	HB496	95	HB548	44	HB600	11
HB445	95	HB497	95	HB549	124	HB601	24
HB446	171	HB498	63	HB550	27	HB602	63
HB447	225	HB499	188	HB551	162	HB603	63
HB448	213	HB500	10	HB552	143	HB604	80
HB449	108	HB501	127	HB553	108	HB605	49
HB450	62	HB502	63	HB554	167	HB606	41
HB451	154	HB503	188	HB555	181	HB607	131
HB452	187	HB504	10	HB556	206	HB608	11
HB453	29	HB505	167	HB557	11	HB609	143
HB454	146	HB506	171	HB558	236	HB610	193
HB455	140	HB507	89	HB559	11	HB611	137
HB456	187	HB508	44	HB560	225	HB612	55
HB457	149	HB509	44	HB561	206	HB613	85
HB458	187	HB510	63	HB562	108	HB614	181
HB459	126	HB511	228	HB563	167	HB615	149
HB460	236	HB512	214	HB564	121	HB616	109
HB461	236	HB513	10	HB565	131	HB617	80
HB462	236	HB514	80	HB566	124	HB618	63
HB463	162	HB515	86	HB567	11	HB619	28
HB464	171	HB516	23	HB568	108	HB620	81
HB465	213	HB517	55	HB569	30	HB621	188
HB466	118	HB518	162	HB570	193	HB622	75

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB623 .....	63	HB675 .....	131	HB727 .....	4	HB779 .....	89
HB624 .....	214	HB676 .....	102	HB728 .....	34	HB780 .....	57
HB625 .....	55	HB677 .....	126	HB729 .....	37	HB781 .....	12
HB626 .....	162	HB678 .....	214	HB730 .....	131	HB782 .....	199
HB627 .....	167	HB679 .....	64	HB731 .....	131	HB783 .....	49
HB628 .....	109	HB680 .....	208	HB732 .....	181	HB784 .....	109
HB629 .....	64	HB681 .....	64	HB733 .....	109	HB785 .....	125
HB630 .....	24	HB682 .....	131	HB734 .....	237	HB786 .....	219
HB631 .....	162	HB683 .....	144	HB735 .....	96	HB787 .....	219
HB632 .....	89	HB684 .....	167	HB736 .....	41	HB788 .....	209
HB633 .....	172	HB685 .....	150	HB737 .....	167	HB789 .....	117
HB634 .....	81	HB686 .....	191	HB738 .....	24	HB790 .....	181
HB635 .....	122	HB687 .....	95	HB739 .....	65	HB791 .....	96
HB636 .....	41	HB688 .....	96	HB740 .....	96	HB792 .....	214
HB637 .....	245	HB689 .....	38	HB741 .....	12	HB793 .....	181
HB638 .....	59	HB690 .....	104	HB742 .....	35	HB794 .....	49
HB639 .....	140	HB691 .....	58	HB743 .....	54	HB795 .....	179
HB640 .....	44	HB692 .....	53	HB744 .....	55	HB796 .....	45
HB641 .....	188	HB693 .....	64	HB745 .....	65	HB797 .....	179
HB642 .....	34	HB694 .....	96	HB746 .....	234	HB798 .....	209
HB643 .....	149	HB695 .....	131	HB747 .....	219	HB799 .....	29
HB644 .....	131	HB696 .....	232	HB748 .....	150	HB800 .....	167
HB645 .....	81	HB697 .....	188	HB749 .....	65	HB801 .....	226
HB646 .....	24	HB698 .....	4	HB750 .....	81	HB802 .....	172
HB647 .....	11	HB699 .....	214	HB751 .....	122	HB803 .....	89
HB648 .....	64	HB700 .....	214	HB752 .....	181	HB804 .....	12
HB649 .....	64	HB701 .....	124	HB753 .....	4	HB805 .....	226
HB650 .....	64	HB702 .....	165	HB754 .....	235	HB806 .....	31
HB651 .....	64	HB703 .....	38	HB755 .....	191	HB807 .....	87
HB652 .....	95	HB704 .....	34	HB756 .....	245	HB808 .....	96
HB653 .....	162	HB705 .....	49	HB757 .....	38	HB809 .....	102
HB654 .....	28	HB706 .....	64	HB758 .....	81	HB810 .....	89
HB655 .....	11	HB707 .....	64	HB759 .....	131	HB811 .....	172
HB656 .....	41	HB708 .....	167	HB760 .....	4	HB812 .....	166
HB657 .....	11	HB709 .....	44	HB761 .....	167	HB813 .....	30
HB658 .....	150	HB710 .....	12	HB762 .....	243	HB814 .....	49
HB659 .....	154	HB711 .....	124	HB763 .....	4	HB815 .....	31
HB660 .....	131	HB712 .....	140	HB764 .....	150	HB816 .....	13
HB661 .....	64	HB713 .....	24	HB765 .....	138	HB817 .....	38
HB662 .....	138	HB714 .....	145	HB766 .....	243	HB818 .....	49
HB663 .....	44	HB715 .....	163	HB767 .....	104	HB819 .....	65
HB664 .....	11	HB716 .....	214	HB768 .....	208	HB820 .....	26
HB665 .....	208	HB717 .....	64	HB769 .....	244	HB821 .....	243
HB666 .....	12	HB718 .....	64	HB770 .....	4	HB822 .....	121
HB667 .....	12	HB719 .....	64	HB771 .....	226	HB823 .....	165
HB668 .....	140	HB720 .....	65	HB772 .....	226	HB824 .....	144
HB669 .....	40	HB721 .....	65	HB773 .....	177	HB825 .....	24
HB670 .....	102	HB722 .....	193	HB774 .....	12	HB826 .....	26
HB671 .....	44	HB723 .....	226	HB775 .....	45	HB827 .....	96
HB672 .....	172	HB724 .....	12	HB776 .....	167	HB828 .....	209
HB673 .....	131	HB725 .....	12	HB777 .....	137	HB829 .....	89
HB674 .....	191	HB726 .....	12	HB778 .....	127	HB830 .....	168

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB831	96	HB883	4	HB935	31	HB987	22
HB832	131	HB884	31	HB936	24	HB988	77
HB833	81	HB885	137	HB937	96	HB989	125
HB834	109	HB886	127	HB938	178	HB990	123
HB835	109	HB887	127	HB939	232	HB991	5
HB836	229	HB888	127	HB940	13	HB992	5
HB837	150	HB889	24	HB941	172	HB993	209
HB838	140	HB890	65	HB942	13	HB994	13
HB839	172	HB891	188	HB943	172	HB995	22
HB840	77	HB892	188	HB944	109	HB996	77
HB841	81	HB893	31	HB945	232	HB997	81
HB842	181	HB894	209	HB946	125	HB998	87
HB843	35	HB895	35	HB947	163	HB999	5
HB844	40	HB896	176	HB948	215	HB1000	89
HB845	109	HB897	146	HB949	65	HB1001	157
HB846	177	HB898	188	HB950	66	HB1002	132
HB847	123	HB899	172	HB951	24	HB1003	127
HB848	31	HB900	81	HB952	41	HB1004	50
HB849	215	HB901	138	HB953	81	HB1005	26
HB850	229	HB902	37	HB954	125	HB1006	5
HB851	13	HB903	140	HB955	168	HB1007	138
HB852	26	HB904	13	HB956	118	HB1008	81
HB853	120	HB905	4	HB957	13	HB1009	66
HB854	181	HB906	5	HB958	13	HB1010	244
HB855	192	HB907	5	HB959	13	HB1011	140
HB856	33	HB908	5	HB960	21	HB1012	172
HB857	192	HB909	5	HB961	81	HB1013	173
HB858	35	HB910	28	HB962	81	HB1014	188
HB859	144	HB911	220	HB963	199	HB1015	82
HB860	188	HB912	163	HB964	199	HB1016	13
HB861	215	HB913	125	HB965	199	HB1017	229
HB862	182	HB914	172	HB966	219	HB1018	215
HB863	177	HB915	182	HB967	118	HB1019	50
HB864	182	HB916	178	HB968	150	HB1020	96
HB865	21	HB917	215	HB969	236	HB1021	173
HB866	40	HB918	132	HB970	215	HB1022	209
HB867	229	HB919	146	HB971	145	HB1023	33
HB868	232	HB920	122	HB972	215	HB1024	57
HB869	232	HB921	13	HB973	163	HB1025	232
HB870	49	HB922	45	HB974	66	HB1026	229
HB871	209	HB923	192	HB975	199	HB1027	221
HB872	131	HB924	232	HB976	33	HB1028	193
HB873	229	HB925	223	HB977	66	HB1029	50
HB874	137	HB926	163	HB978	199	HB1030	82
HB875	182	HB927	65	HB979	132	HB1031	192
HB876	13	HB928	65	HB980	96	HB1032	193
HB877	21	HB929	232	HB981	49	HB1033	137
HB878	182	HB930	199	HB982	150	HB1034	38
HB879	127	HB931	65	HB983	66	HB1035	223
HB880	188	HB932	109	HB984	66	HB1036	224
HB881	232	HB933	31	HB985	49	HB1037	66
HB882	131	HB934	179	HB986	229	HB1038	193

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB1039 .....	43	HB1091 .....	224	HB1143 .....	67	HB1195 .....	125
HB1040 .....	194	HB1092 .....	209	HB1144 .....	104	HB1196 .....	15
HB1041 .....	194	HB1093 .....	45	HB1145 .....	67	HB1197 .....	128
HB1042 .....	109	HB1094 .....	226	HB1146 .....	215	HB1198 .....	128
HB1043 .....	194	HB1095 .....	224	HB1147 .....	82	HB1199 .....	151
HB1044 .....	89	HB1096 .....	224	HB1148 .....	45	HB1200 .....	126
HB1045 .....	140	HB1097 .....	50	HB1149 .....	173	HB1201 .....	158
HB1046 .....	96	HB1098 .....	50	HB1150 .....	226	HB1202 .....	200
HB1047 .....	192	HB1099 .....	14	HB1151 .....	122	HB1203 .....	35
HB1048 .....	14	HB1100 .....	31	HB1152 .....	22	HB1204 .....	209
HB1049 .....	14	HB1101 .....	14	HB1153 .....	173	HB1205 .....	43
HB1050 .....	194	HB1102 .....	132	HB1154 .....	45	HB1206 .....	224
HB1051 .....	215	HB1103 .....	166	HB1155 .....	199	HB1207 .....	232
HB1052 .....	50	HB1104 .....	215	HB1156 .....	89	HB1208 .....	117
HB1053 .....	125	HB1105 .....	67	HB1157 .....	127	HB1209 .....	163
HB1054 .....	182	HB1106 .....	14	HB1158 .....	128	HB1210 .....	114
HB1055 .....	77	HB1107 .....	132	HB1159 .....	244	HB1211 .....	133
HB1056 .....	132	HB1108 .....	232	HB1160 .....	59	HB1212 .....	33
HB1057 .....	125	HB1109 .....	163	HB1161 .....	97	HB1213 .....	237
HB1058 .....	110	HB1110 .....	24	HB1162 .....	97	HB1214 .....	82
HB1059 .....	226	HB1111 .....	96	HB1163 .....	119	HB1215 .....	200
HB1060 .....	199	HB1112 .....	110	HB1164 .....	77	HB1216 .....	111
HB1061 .....	178	HB1113 .....	157	HB1165 .....	216	HB1217 .....	133
HB1062 .....	82	HB1114 .....	182	HB1166 .....	245	HB1218 .....	56
HB1063 .....	66	HB1115 .....	55	HB1167 .....	104	HB1219 .....	54
HB1064 .....	66	HB1116 .....	97	HB1168 .....	97	HB1220 .....	143
HB1065 .....	82	HB1117 .....	15	HB1169 .....	50	HB1221 .....	5
HB1066 .....	82	HB1118 .....	97	HB1170 .....	5	HB1222 .....	189
HB1067 .....	110	HB1119 .....	97	HB1171 .....	42	HB1223 .....	97
HB1068 .....	168	HB1120 .....	188	HB1172 .....	133	HB1224 .....	145
HB1069 .....	168	HB1121 .....	194	HB1173 .....	182	HB1225 .....	50
HB1070 .....	140	HB1122 .....	194	HB1174 .....	128	HB1226 .....	111
HB1071 .....	182	HB1123 .....	194	HB1175 .....	133	HB1227 .....	192
HB1072 .....	110	HB1124 .....	5	HB1176 .....	97	HB1228 .....	200
HB1073 .....	66	HB1125 .....	89	HB1177 .....	154	HB1229 .....	122
HB1074 .....	55	HB1126 .....	56	HB1178 .....	168	HB1230 .....	161
HB1075 .....	122	HB1127 .....	97	HB1179 .....	45	HB1231 .....	67
HB1076 .....	110	HB1128 .....	232	HB1180 .....	67	HB1232 .....	221
HB1077 .....	173	HB1129 .....	110	HB1181 .....	147	HB1233 .....	163
HB1078 .....	215	HB1130 .....	229	HB1182 .....	133	HB1234 .....	133
HB1079 .....	110	HB1131 .....	50	HB1183 .....	45	HB1235 .....	232
HB1080 .....	163	HB1132 .....	45	HB1184 .....	189	HB1236 .....	173
HB1081 .....	66	HB1133 .....	179	HB1185 .....	226	HB1237 .....	67
HB1082 .....	41	HB1134 .....	110	HB1186 .....	227	HB1238 .....	77
HB1083 .....	215	HB1135 .....	188	HB1187 .....	200	HB1239 .....	158
HB1084 .....	14	HB1136 .....	50	HB1188 .....	227	HB1240 .....	245
HB1085 .....	89	HB1137 .....	143	HB1189 .....	216	HB1241 .....	45
HB1086 .....	141	HB1138 .....	147	HB1190 .....	158	HB1242 .....	233
HB1087 .....	22	HB1139 .....	110	HB1191 .....	151	HB1243 .....	180
HB1088 .....	127	HB1140 .....	133	HB1192 .....	15	HB1244 .....	173
HB1089 .....	163	HB1141 .....	226	HB1193 .....	77	HB1245 .....	236
HB1090 .....	14	HB1142 .....	235	HB1194 .....	182	HB1246 .....	59



# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB1247	15	HB1299	28	HB1351	85	HB1403	235
HB1248	118	HB1300	15	HB1352	216	HB1404	122
HB1249	77	HB1301	57	HB1353	42	HB1405	111
HB1250	111	HB1302	158	HB1354	168	HB1406	174
HB1251	182	HB1303	183	HB1355	54	HB1407	16
HB1252	205	HB1304	35	HB1356	216	HB1408	145
HB1253	200	HB1305	35	HB1357	16	HB1409	246
HB1254	97	HB1306	58	HB1358	16	HB1410	31
HB1255	67	HB1307	224	HB1359	16	HB1411	119
HB1256	141	HB1308	224	HB1360	85	HB1412	37
HB1257	45	HB1309	35	HB1361	86	HB1413	168
HB1258	45	HB1310	54	HB1362	128	HB1414	122
HB1259	163	HB1311	158	HB1363	216	HB1415	6
HB1260	77	HB1312	82	HB1364	68	HB1416	98
HB1261	200	HB1313	67	HB1365	166	HB1417	141
HB1262	15	HB1314	180	HB1366	128	HB1418	37
HB1263	141	HB1315	67	HB1367	166	HB1419	90
HB1264	82	HB1316	173	HB1368	154	HB1420	119
HB1265	147	HB1317	82	HB1369	158	HB1421	32
HB1266	77	HB1318	173	HB1370	90	HB1422	189
HB1267	15	HB1319	141	HB1371	151	HB1423	174
HB1268	158	HB1320	102	HB1372	209	HB1424	115
HB1269	221	HB1321	151	HB1373	68	HB1425	151
HB1270	40	HB1322	151	HB1374	227	HB1426	6
HB1271	15	HB1323	168	HB1375	183	HB1427	195
HB1272	173	HB1324	15	HB1376	164	HB1428	245
HB1273	200	HB1325	115	HB1377	183	HB1429	233
HB1274	151	HB1326	178	HB1378	183	HB1430	147
HB1275	5	HB1327	67	HB1379	26	HB1431	98
HB1276	138	HB1328	122	HB1380	98	HB1432	28
HB1277	6	HB1329	16	HB1381	111	HB1433	158
HB1278	97	HB1330	126	HB1382	209	HB1434	98
HB1279	151	HB1331	233	HB1383	183	HB1435	57
HB1280	133	HB1332	151	HB1384	174	HB1436	134
HB1281	15	HB1333	229	HB1385	68	HB1437	245
HB1282	173	HB1334	67	HB1386	158	HB1438	141
HB1283	194	HB1335	68	HB1387	51	HB1439	230
HB1284	141	HB1336	35	HB1388	195	HB1440	189
HB1285	138	HB1337	216	HB1389	133	HB1441	209
HB1286	97	HB1338	216	HB1390	104	HB1442	210
HB1287	38	HB1339	216	HB1391	223	HB1443	68
HB1288	35	HB1340	166	HB1392	178	HB1444	216
HB1289	173	HB1341	16	HB1393	122	HB1445	158
HB1290	82	HB1342	168	HB1394	189	HB1446	51
HB1291	141	HB1343	177	HB1395	138	HB1447	151
HB1292	50	HB1344	166	HB1396	133	HB1448	216
HB1293	223	HB1345	111	HB1397	42	HB1449	32
HB1294	227	HB1346	16	HB1398	68	HB1450	46
HB1295	189	HB1347	133	HB1399	245	HB1451	196
HB1296	82	HB1348	24	HB1400	28	HB1452	46
HB1297	6	HB1349	168	HB1401	189	HB1453	183
HB1298	173	HB1350	133	HB1402	133	HB1454	33

# Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB1455 .....	141	HB1507 .....	32	HB1559 .....	43	<b>House Joint Resolutions</b>	
HB1456 .....	16	HB1508 .....	98	HB1560 .....	46		
HB1457 .....	35	HB1509 .....	68	HB1561 .....	43	HJ1 .....	247
HB1458 .....	141	HB1510 .....	189	HB1562 .....	223	HJ3 .....	247
HB1459 .....	141	HB1511 .....	33	HB1563 .....	202	HJ4 .....	242
HB1460 .....	210	HB1512 .....	152	HB1564 .....	116	HJ5 .....	237
HB1461 .....	233	HB1513 .....	68	HB1565 .....	235	HJ6 .....	237
HB1462 .....	16	HB1514 .....	51	HB1566 .....	227	HJ7 .....	238
HB1463 .....	151	HB1515 .....	82	HB1567 .....	217	HJ8 .....	247
HB1464 .....	168	HB1516 .....	68	HB1568 .....	6	HJ13 .....	242
HB1465 .....	17	HB1517 .....	17	HB1569 .....	164	HJ15 .....	247
HB1466 .....	159	HB1518 .....	51	HB1570 .....	69	HJ16 .....	241
HB1467 .....	147	HB1519 .....	28	HB1571 .....	139	HJ17 .....	247
HB1468 .....	6	HB1520 .....	26	HB1572 .....	174	HJ19 .....	251
HB1469 .....	68	HB1521 .....	40	HB1573 .....	202	HJ21 .....	238
HB1470 .....	17	HB1522 .....	138	HB1574 .....	246	HJ24 .....	242
HB1471 .....	51	HB1523 .....	138	HB1575 .....	217	HJ25 .....	247
HB1472 .....	233	HB1524 .....	183	HB1576 .....	98	HJ26 .....	246
HB1473 .....	152	HB1525 .....	168	HB1577 .....	98	HJ27 .....	247
HB1474 .....	152	HB1526 .....	51	HB1578 .....	99	HJ28 .....	247
HB1475 .....	40	HB1527 .....	6	HB1579 .....	99	HJ29 .....	247
HB1476 .....	145	HB1528 .....	201	HB1580 .....	69	HJ30 .....	241
HB1477 .....	98	HB1529 .....	17	HB1581 .....	111	HJ31 .....	6
HB1478 .....	159	HB1530 .....	90	HB1582 .....	17	HJ32 .....	242
HB1479 .....	22	HB1531 .....	17	HB1583 .....	6	HJ33 .....	238
HB1480 .....	233	HB1532 .....	90	HB1584 .....	160	HJ34 .....	238
HB1481 .....	159	HB1533 .....	192	HB1585 .....	194	HJ35 .....	238
HB1482 .....	77	HB1534 .....	128	HB1586 .....	174	HJ37 .....	6
HB1483 .....	118	HB1535 .....	168	HB1587 .....	111	HJ39 .....	247
HB1484 .....	28	HB1536 .....	174	HB1588 .....	222	HJ41 .....	238
HB1485 .....	90	HB1537 .....	22	HB1589 .....	111	HJ42 .....	241
HB1486 .....	155	HB1538 .....	134	HB1590 .....	202	HJ46 .....	238
HB1487 .....	32	HB1539 .....	138	HB1591 .....	126	HJ47 .....	238
HB1488 .....	121	HB1540 .....	126	HB1592 .....	69	HJ48 .....	238
HB1489 .....	174	HB1541 .....	28	HB1593 .....	143	HJ49 .....	243
HB1490 .....	200	HB1542 .....	152	HB1594 .....	83	HJ54 .....	242
HB1491 .....	120	HB1543 .....	236	HB1595 .....	46	HJ55 .....	241
HB1492 .....	134	HB1544 .....	69	HB1596 .....	118	HJ56 .....	248
HB1493 .....	201	HB1545 .....	217	HB1597 .....	203	HJ58 .....	248
HB1494 .....	233	HB1546 .....	46	HB1598 .....	104	HJ59 .....	241
HB1495 .....	210	HB1547 .....	145	HB1599 .....	37	HJ60 .....	248
HB1496 .....	111	HB1548 .....	134	HB1600 .....	90	HJ64 .....	241
HB1497 .....	174	HB1549 .....	134	HB1601 .....	69	HJ66 .....	248
HB1498 .....	216	HB1550 .....	59	HB1602 .....	26	HJ68 .....	248
HB1499 .....	168	HB1551 .....	221	HB1603 .....	17	HJ69 .....	242
HB1500 .....	46	HB1552 .....	6	HB1604 .....	90	HJ70 .....	248
HB1501 .....	98	HB1553 .....	210	HB1605 .....	210	HJ71 .....	238
HB1502 .....	98	HB1554 .....	183	HB1606 .....	137	HJ72 .....	238
HB1503 .....	201	HB1555 .....	46	HB1607 .....	22	HJ74 .....	248
HB1504 .....	98	HB1556 .....	183	HB1608 .....	40	HJ75 .....	248
HB1505 .....	123	HB1557 .....	220	HB1609 .....	221	HJ76 .....	241
HB1506 .....	183	HB1558 .....	201	HB1610 .....	121		

# 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>
HJ77 .....	246	<b>House Resolutions</b>					
HJ80 .....	248						
HJ81 .....	241	HR1 .....	242				
HJ82 .....	242	HR4 .....	242				
HJ83 .....	239	HR5 .....	242				
HJ84 .....	242	HR14 .....	242				
HJ85 .....	248	HR15 .....	241				
HJ87 .....	248						
HJ88 .....	248						
HJ89 .....	248						
HJ90 .....	241						
HJ91 .....	248						
HJ92 .....	242						
HJ93 .....	227						
HJ94 .....	249						
HJ95 .....	241						
HJ96 .....	249						
HJ97 .....	249						
HJ98 .....	246						
HJ100 .....	242						
HJ101 .....	249						
HJ102 .....	217						
HJ103 .....	246						
HJ104 .....	239						
HJ105 .....	249						
HJ106 .....	249						
HJ107 .....	249						
HJ108 .....	249						
HJ109 .....	249						
HJ110 .....	239						
HJ111 .....	239						
HJ112 .....	249						
HJ113 .....	249						
HJ114 .....	241						
HJ115 .....	250						
HJ116 .....	242						
HJ117 .....	242						
HJ118 .....	246						
HJ122 .....	250						
HJ123 .....	250						
HJ124 .....	250						
HJ125 .....	250						
HJ126 .....	250						
HJ129 .....	242						
HJ131 .....	241						
HJ135 .....	241						
HJ138 .....	242						
HJ142 .....	241						
HJ144 .....	241						
HJ153 .....	250						
HJ178 .....	241						

# Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
<b>Senate Bills</b>							
SB1 .....	69	SB51 .....	223	SB103 .....	90	SB155 .....	51
SB2 .....	69	SB52 .....	54	SB104 .....	175	SB156 .....	235
SB3 .....	87	SB53 .....	70	SB105 .....	60	SB157 .....	71
SB4 .....	115	SB54 .....	189	SB106 .....	104	SB158 .....	134
SB5 .....	69	SB55 .....	189	SB107 .....	99	SB159 .....	36
SB6 .....	115	SB56 .....	39	SB108 .....	34	SB160 .....	102
SB7 .....	112	SB57 .....	60	SB109 .....	78	SB161 .....	159
SB8 .....	115	SB58 .....	164	SB110 .....	84	SB162 .....	159
SB9 .....	203	SB59 .....	39	SB111 .....	70	SB163 .....	40
SB10 .....	112	SB60 .....	152	SB112 .....	70	SB164 .....	115
SB11 .....	207	SB61 .....	26	SB113 .....	70	SB165 .....	112
SB12 .....	17	SB62 .....	222	SB114 .....	115	SB166 .....	42
SB13 .....	206	SB63 .....	51	SB115 .....	217	SB167 .....	84
SB14 .....	33	SB64 .....	87	SB116 .....	176	SB168 .....	71
SB15 .....	17	SB65 .....	112	SB117 .....	141	SB169 .....	99
SB16 .....	221	SB66 .....	70	SB118 .....	83	SB170 .....	90
SB17 .....	36	SB67 .....	56	SB119 .....	70	SB171 .....	7
SB18 .....	222	SB68 .....	83	SB120 .....	26	SB172 .....	217
SB19 .....	112	SB69 .....	210	SB121 .....	230	SB173 .....	120
SB20 .....	6	SB70 .....	87	SB122 .....	83	SB174 .....	27
SB21 .....	69	SB71 .....	34	SB123 .....	217	SB175 .....	25
SB22 .....	222	SB72 .....	196	SB124 .....	7	SB176 .....	155
SB23 .....	159	SB73 .....	168	SB125 .....	139	SB177 .....	40
SB24 .....	38	SB74 .....	174	SB126 .....	169	SB178 .....	87
SB25 .....	189	SB75 .....	87	SB127 .....	245	SB179 .....	46
SB26 .....	112	SB76 .....	90	SB128 .....	169	SB180 .....	57
SB27 .....	233	SB77 .....	152	SB129 .....	46	SB181 .....	175
SB28 .....	128	SB78 .....	235	SB130 .....	104	SB182 .....	234
SB29 .....	244	SB79 .....	70	SB131 .....	112	SB183 .....	230
SB30 .....	244	SB80 .....	99	SB132 .....	217	SB184 .....	230
SB31 .....	141	SB81 .....	122	SB133 .....	70	SB185 .....	142
SB32 .....	25	SB82 .....	205	SB134 .....	134	SB186 .....	78
SB33 .....	69	SB83 .....	205	SB135 .....	83	SB187 .....	51
SB34 .....	83	SB84 .....	169	SB136 .....	115	SB188 .....	18
SB35 .....	77	SB85 .....	56	SB137 .....	46	SB189 .....	42
SB36 .....	179	SB86 .....	70	SB138 .....	70	SB190 .....	99
SB37 .....	145	SB87 .....	174	SB139 .....	217	SB191 .....	203
SB38 .....	222	SB88 .....	174	SB140 .....	217	SB192 .....	218
SB39 .....	56	SB89 .....	54	SB141 .....	143	SB193 .....	53
SB40 .....	69	SB90 .....	222	SB142 .....	56	SB194 .....	194
SB41 .....	164	SB91 .....	217	SB143 .....	147	SB195 .....	194
SB42 .....	119	SB92 .....	210	SB144 .....	112	SB196 .....	51
SB43 .....	234	SB93 .....	84	SB145 .....	71	SB197 .....	192
SB44 .....	234	SB94 .....	83	SB146 .....	17	SB198 .....	40
SB45 .....	70	SB95 .....	221	SB147 .....	141	SB199 .....	178
SB46 .....	174	SB96 .....	56	SB148 .....	175	SB200 .....	51
SB47 .....	59	SB97 .....	174	SB149 .....	46	SB201 .....	134
SB48 .....	75	SB98 .....	83	SB150 .....	104	SB202 .....	18
SB49 .....	39	SB99 .....	70	SB151 .....	112	SB203 .....	234
SB50 .....	87	SB100 .....	83	SB152 .....	104	SB204 .....	234
		SB101 .....	90	SB153 .....	104	SB205 .....	18
		SB102 .....	70	SB154 .....	7	SB206 .....	175

# Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
SB207	143	SB259	154	SB311	205	SB363	139
SB208	53	SB260	117	SB312	18	SB364	176
SB209	71	SB261	99	SB313	205	SB365	135
SB210	183	SB262	18	SB314	210	SB366	103
SB211	46	SB263	112	SB315	184	SB367	53
SB212	25	SB264	105	SB316	18	SB368	147
SB213	29	SB265	7	SB317	21	SB369	135
SB214	121	SB266	134	SB318	18	SB370	191
SB215	75	SB267	30	SB319	165	SB371	47
SB216	18	SB268	210	SB320	166	SB372	71
SB217	25	SB269	128	SB321	178	SB373	154
SB218	41	SB270	99	SB322	112	SB374	22
SB219	237	SB271	210	SB323	115	SB375	122
SB220	71	SB272	195	SB324	203	SB376	211
SB221	71	SB273	91	SB325	7	SB377	152
SB222	128	SB274	99	SB326	175	SB378	211
SB223	134	SB275	175	SB327	135	SB379	105
SB224	85	SB276	71	SB328	184	SB380	36
SB225	32	SB277	115	SB329	30	SB381	175
SB226	183	SB278	117	SB330	184	SB382	27
SB227	147	SB279	7	SB331	112	SB383	47
SB228	210	SB280	195	SB332	210	SB384	51
SB229	91	SB281	135	SB333	25	SB385	71
SB230	210	SB282	135	SB334	83	SB386	7
SB231	244	SB283	142	SB335	218	SB387	43
SB232	244	SB284	203	SB336	19	SB388	155
SB233	28	SB285	203	SB337	19	SB389	129
SB234	123	SB286	193	SB338	71	SB390	218
SB235	134	SB287	128	SB339	83	SB391	144
SB236	134	SB288	71	SB340	41	SB392	54
SB237	152	SB289	126	SB341	83	SB393	142
SB238	91	SB290	51	SB342	180	SB394	147
SB239	180	SB291	169	SB343	91	SB395	159
SB240	164	SB292	135	SB344	224	SB396	165
SB241	18	SB293	190	SB345	19	SB397	52
SB242	51	SB294	7	SB346	155	SB398	71
SB243	137	SB295	147	SB347	129	SB399	129
SB244	117	SB296	180	SB348	218	SB400	239
SB245	189	SB297	25	SB349	91	SB401	100
SB246	155	SB298	123	SB350	75	SB402	71
SB247	22	SB299	220	SB351	75	SB403	84
SB248	177	SB300	99	SB352	236	SB404	19
SB249	210	SB301	18	SB353	41	SB405	47
SB250	175	SB302	100	SB354	135	SB406	123
SB251	164	SB303	100	SB355	205	SB407	7
SB252	18	SB304	128	SB356	245	SB408	72
SB253	192	SB305	129	SB357	137	SB409	100
SB254	115	SB306	27	SB358	113	SB410	169
SB255	220	SB307	29	SB359	169	SB411	148
SB256	245	SB308	71	SB360	51	SB412	72
SB257	99	SB309	129	SB361	91	SB413	184
SB258	184	SB310	129	SB362	119	SB414	25

# Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
SB415	36	SB467	28	SB519	59	SB571	23
SB416	58	SB468	39	SB520	227	SB572	135
SB417	135	SB469	52	SB521	105	SB573	211
SB418	221	SB470	22	SB522	113	SB574	160
SB419	165	SB471	19	SB523	113	SB575	169
SB420	60	SB472	72	SB524	55	SB576	224
SB421	164	SB473	218	SB525	55	SB577	153
SB422	193	SB474	105	SB526	60	SB578	176
SB423	145	SB475	78	SB527	218	SB579	218
SB424	19	SB476	103	SB528	185	SB580	7
SB425	100	SB477	47	SB529	185	SB581	159
SB426	55	SB478	184	SB530	142	SB582	42
SB427	113	SB479	72	SB531	211	SB583	220
SB428	184	SB480	218	SB532	169	SB584	19
SB429	47	SB481	36	SB533	72	SB585	123
SB430	211	SB482	29	SB534	113	SB586	169
SB431	176	SB483	29	SB535	34	SB587	244
SB432	190	SB484	29	SB536	34	SB588	27
SB433	72	SB485	211	SB537	103	SB589	105
SB434	72	SB486	27	SB538	47	SB590	36
SB435	152	SB487	34	SB539	230	SB591	115
SB436	191	SB488	120	SB540	86	SB592	116
SB437	100	SB489	123	SB541	75	SB593	160
SB438	152	SB490	123	SB542	155	SB594	246
SB439	152	SB491	100	SB543	230	SB595	72
SB440	100	SB492	169	SB544	185	SB596	56
SB441	175	SB493	72	SB545	57	SB597	190
SB442	72	SB494	39	SB546	246	SB598	113
SB443	193	SB495	53	SB547	211	SB599	25
SB444	52	SB496	169	SB548	100	SB600	177
SB445	19	SB497	75	SB549	100	SB601	169
SB446	169	SB498	178	SB550	246	SB602	116
SB447	190	SB499	42	SB551	100	SB603	87
SB448	47	SB500	56	SB552	121	SB604	116
SB449	129	SB501	211	SB553	218	SB605	91
SB450	41	SB502	21	SB554	120	SB606	234
SB451	144	SB503	211	SB555	30	SB607	73
SB452	113	SB504	139	SB556	105	SB608	84
SB453	115	SB505	191	SB557	91	SB609	55
SB454	52	SB506	230	SB558	101	SB610	73
SB455	32	SB507	227	SB559	113	SB611	175
SB456	100	SB508	78	SB560	178	SB612	87
SB457	78	SB509	175	SB561	143	SB613	37
SB458	53	SB510	220	SB562	78	SB614	86
SB459	19	SB511	184	SB563	72	SB615	86
SB460	190	SB512	7	SB564	57	SB616	36
SB461	33	SB513	196	SB565	78	SB617	36
SB462	153	SB514	184	SB566	78	SB618	36
SB463	85	SB515	169	SB567	22	SB619	19
SB464	190	SB516	103	SB568	148	SB620	36
SB465	72	SB517	159	SB569	185	SB621	175
SB466	169	SB518	218	SB570	153	SB622	47

# Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
SB623	142	SB675	25	SB727	20	SB779	165
SB624	119	SB676	73	SB728	185	SB780	48
SB625	119	SB677	47	SB729	73	SB781	136
SB626	160	SB678	175	SB730	20	SB782	227
SB627	190	SB679	169	SB731	160	SB783	78
SB628	177	SB680	47	SB732	73	SB784	145
SB629	119	SB681	246	SB733	52	SB785	101
SB630	19	SB682	230	SB734	84	SB786	101
SB631	148	SB683	142	SB735	185	SB787	101
SB632	185	SB684	48	SB736	165	SB788	190
SB633	123	SB685	84	SB737	75	SB789	101
SB634	137	SB686	176	SB738	101	SB790	223
SB635	135	SB687	218	SB739	105	SB791	37
SB636	230	SB688	8	SB740	114	SB792	170
SB637	8	SB689	116	SB741	225	SB793	142
SB638	153	SB690	222	SB742	73	SB794	74
SB639	160	SB691	178	SB743	145	SB795	84
SB640	142	SB692	177	SB744	176	SB796	124
SB641	73	SB693	224	SB745	218	SB797	74
SB642	236	SB694	37	SB746	220	SB798	191
SB643	139	SB695	27	SB747	148	SB799	222
SB644	84	SB696	203	SB748	39	SB800	37
SB645	84	SB697	203	SB749	153	SB801	250
SB646	203	SB698	225	SB750	246	SB802	84
SB647	27	SB699	225	SB751	52	SB803	29
SB648	195	SB700	177	SB752	114	SB804	136
SB649	195	SB701	170	SB753	37	SB805	176
SB650	20	SB702	231	SB754	8	SB806	136
SB651	8	SB703	129	SB755	155	SB807	196
SB652	8	SB704	234	SB756	29	SB808	206
SB653	73	SB705	195	SB757	135	SB809	117
SB654	222	SB706	195	SB758	185	SB810	153
SB655	190	SB707	195	SB759	219	SB811	74
SB656	153	SB708	42	SB760	148	SB812	185
SB657	8	SB709	73	SB761	39	SB813	78
SB658	91	SB710	113	SB762	30	SB814	219
SB659	222	SB711	205	SB763	20	SB815	124
SB660	164	SB712	114	SB764	20	SB816	21
SB661	164	SB713	103	SB765	42	SB817	160
SB662	205	SB714	53	SB766	228	SB818	211
SB663	129	SB715	73	SB767	228	SB819	124
SB664	91	SB716	231	SB768	206	SB820	114
SB665	73	SB717	155	SB769	27	SB821	244
SB666	73	SB718	114	SB770	116	SB822	219
SB667	52	SB719	20	SB771	116	SB823	196
SB668	52	SB720	114	SB772	244	SB824	153
SB669	55	SB721	190	SB773	29	SB825	114
SB670	37	SB722	193	SB774	36	SB826	239
SB671	160	SB723	101	SB775	91	SB827	180
SB672	155	SB724	153	SB776	84	SB828	74
SB673	30	SB725	129	SB777	85	SB829	186
SB674	116	SB726	185	SB778	120	SB830	20



# Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
SB831 .....	186	SB883 .....	211	SB935 .....	156	SB987 .....	74
SB832 .....	186	SB884 .....	27	SB936 .....	103	SB988 .....	177
SB833 .....	78	SB885 .....	124	SB937 .....	219	SB989 .....	221
SB834 .....	105	SB886 .....	53	SB938 .....	234	SB990 .....	228
SB835 .....	33	SB887 .....	161	SB939 .....	58	SB991 .....	8
SB836 .....	153	SB888 .....	120	SB940 .....	228	SB992 .....	75
SB837 .....	206	SB889 .....	176	SB941 .....	139	SB993 .....	48
SB838 .....	122	SB890 .....	180	SB942 .....	212	SB994 .....	79
SB839 .....	53	SB891 .....	234	SB943 .....	130	SB995 .....	139
SB840 .....	91	SB892 .....	136	SB944 .....	53	SB996 .....	23
SB841 .....	92	SB893 .....	136	SB945 .....	176		
SB842 .....	138	SB894 .....	227	SB946 .....	8		
SB843 .....	101	SB895 .....	36	SB947 .....	170		
SB844 .....	155	SB896 .....	212	SB948 .....	53		
SB845 .....	161	SB897 .....	237	SB949 .....	21		
SB846 .....	79	SB898 .....	142	SB950 .....	225		
SB847 .....	139	SB899 .....	8	SB951 .....	228		
SB848 .....	136	SB900 .....	237	SB952 .....	75		
SB849 .....	153	SB901 .....	204	SB953 .....	92		
SB850 .....	20	SB902 .....	212	SB954 .....	74		
SB851 .....	37	SB903 .....	142	SB955 .....	204		
SB852 .....	142	SB904 .....	39	SB956 .....	137		
SB853 .....	155	SB905 .....	139	SB957 .....	53		
SB854 .....	23	SB906 .....	186	SB958 .....	176		
SB855 .....	204	SB907 .....	161	SB959 .....	130		
SB856 .....	139	SB908 .....	48	SB960 .....	92		
SB857 .....	206	SB909 .....	146	SB961 .....	92		
SB858 .....	8	SB910 .....	74	SB962 .....	25		
SB859 .....	122	SB911 .....	117	SB963 .....	219		
SB860 .....	160	SB912 .....	60	SB964 .....	156		
SB861 .....	195	SB913 .....	116	SB965 .....	204		
SB862 .....	191	SB914 .....	101	SB966 .....	196		
SB863 .....	101	SB915 .....	136	SB967 .....	204		
SB864 .....	207	SB916 .....	161	SB968 .....	223		
SB865 .....	103	SB917 .....	176	SB969 .....	102		
SB866 .....	129	SB918 .....	186	SB970 .....	126		
SB867 .....	130	SB919 .....	176	SB971 .....	139		
SB868 .....	130	SB920 .....	231	SB972 .....	48		
SB869 .....	219	SB921 .....	144	SB973 .....	191		
SB870 .....	153	SB922 .....	196	SB974 .....	43		
SB871 .....	246	SB923 .....	136	SB975 .....	103		
SB872 .....	25	SB924 .....	8	SB976 .....	114		
SB873 .....	170	SB925 .....	139	SB977 .....	32		
SB874 .....	176	SB926 .....	8	SB978 .....	114		
SB875 .....	231	SB927 .....	191	SB979 .....	186		
SB876 .....	20	SB928 .....	101	SB980 .....	59		
SB877 .....	142	SB929 .....	143	SB981 .....	86		
SB878 .....	32	SB930 .....	8	SB982 .....	86		
SB879 .....	220	SB931 .....	148	SB983 .....	105		
SB880 .....	103	SB932 .....	148	SB984 .....	122		
SB881 .....	191	SB933 .....	155	SB985 .....	244		
SB882 .....	186	SB934 .....	221	SB986 .....	219		

## Senate Joint Resolutions

SJ1 .....	239
SJ2 .....	240
SJ3 .....	240
SJ4 .....	243
SJ5 .....	240
SJ6 .....	251
SJ7 .....	250
SJ8 .....	240
SJ9 .....	240
SJ11 .....	243
SJ12 .....	240
SJ13 .....	250
SJ14 .....	32
SJ19 .....	247
SJ21 .....	237
SJ25 .....	240
SJ26 .....	243
SJ27 .....	240
SJ28 .....	250
SJ29 .....	250
SJ30 .....	250
SJ31 .....	243
SJ32 .....	251
SJ33 .....	251
SJ34 .....	240
SJ35 .....	239
SJ36 .....	241
SJ39 .....	240
SJ40 .....	250
SJ41 .....	243
SJ42 .....	243
SJ47 .....	241
SJ48 .....	250
SJ49 .....	251
SJ50 .....	251
SJ51 .....	240
SJ52 .....	243
SJ53 .....	251

# 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>
SJ54 .....	251						
SJ55 .....	243						
SJ56 .....	251						
SJ57 .....	251						
SJ58 .....	251						
SJ59 .....	251						
SJ62 .....	251						
SJ63 .....	241						
SJ65 .....	251						
SJ68 .....	240						
SJ69 .....	239						
SJ73 .....	243						
SJ74 .....	243						
SJ75 .....	247						
SJ76 .....	237						
SJ80 .....	243						
SJ85 .....	241						

