

Legislation Affecting Local Governments 2018 General Assembly Session

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The bills that follow have been identified as affecting local governments. The summaries are based on those prepared by the Division of Legislative Services. Some summaries have been edited to reflect the effect of the bills on local governments. In most cases, the bills take effect July 1. Bills are organized by topic; the bills that passed are listed first under each topic. For reference, the bills that failed are listed under each topic and the bill numbers are in a **red font**.

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Conflicts & Ethics

HB 990 / SB298 Virginia Conflict of Interest and Ethics Advisory Council; deadline extensions. Amends § 30-356.2 to clarify 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. (*Patrons: Norment/Gilbert*)

HB 992 Conflict of Interests Act, State and Local Government; disclosure statements, multiple positions. Amends § 2.2-3118.1 of the Code of Virginia to change filing requirements such that a filing of a single current statement of economic interests by an individual will suffice for the course of the calendar year. Individuals meeting the requirement for filing an annual disclosure statement will not be required to file an additional disclosure statement upon reappointment to the same office or position if the reappointment is within 12 months of the filing. (*Patron: Gilbert*)

SJ 75 Conflict of Interests Act, State and Local Government. This resolution establishes a two-year joint subcommittee consisting of six legislative members and two non-legislative citizen members to study the 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of the members of the General Assembly and lobbyists and identify those portions of the ethics laws that should be repealed, substantially amended, rewritten for clarity, or retained in their present form.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. Although the language of the study focuses on the General Assembly and Lobbyist provisions of the law, changes to these sections will likely result in changes to the State and Local Government Conflicts Act and could affect local government officials. (*Patron: Norment*)

Failed Conflicts & Ethics

HB 567 Conflicts of Interests Acts, State and Local Government and General Assembly; bundled gifts. Amends §§ 2.2-419, 2.2-426, 2.2-3103.1, and 30-103.1 of the Code of Virginia to provide that the aggregated value of a bundled gift be subject to the \$100 limitation and is not attributed to each gift contributor. The bill defines bundled gifts as separate gifts paid for provided by multiple sources that are aggregated and delivered to the recipient by a single source. Lastly, the bill requires lobbyists to disclose bundled gifts to which the lobbyist of lobbyist's principal contributes. (*Patron: Gooditis*)

HB 655/SB 816 Conflict of Interests Act, State and Local Government; disclosure by local government officers. Amends § 2.2-3115 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act. The bill 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 as a member of a business, profession, occupation, or group of three or more persons 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.
(Patrons: Murphy and Black)

Courts

[HB 1546](#) County courthouse; provisions regarding removal. Amends § 15.2-1644 of the Code of Virginia to provide 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 surrounded by a city, and any such courthouse shall be removed or relocated only in accordance with the existing procedures. (Patron: Bell, R.B.)

[SB 14](#) Service of process; county attorney to be served when actions against county officers, Amends § 8.01-300 of the Code of Virginia to provide that only the county attorney, or the clerk of the county board if there is no county attorney, and the defendant need to be served in an action against a supervisor, county officer, employee, or agent of the county. (Patron: Petersen)

[SB105](#) Grand larceny; threshold. Amends various sections in Title 18.2 to raise the threshold for commission of a petit larceny from the current \$200 to \$500. (Patron: Suetterlein)

[SB 108](#) Orders of publication to enforce tax lien; limited-value property. Amends § 8.01-321 of the Code of Virginia to publish an order to enforce a tax lien on property assessed in the local tax records for \$50,000 or less not more than once. (Patron: Lucas)

[SB 538](#) Courthouses; expansion to contiguous land. Amends § 15.2-1646 of the Code of Virginia to provide that relocation or expansion of a courthouse to land contiguous with its present location and within the same county or city shall not trigger a referendum requirement. (Patron: Hanger)

[SB726](#) CBD oil and THC-A oil; certification for use; dispensing. Amends §§ [18.2-250.1](#), [54.1-3408.3](#), [54.1-3442.5](#), and [54.1-3442.7](#) to broaden the number of conditions for which medical practitioners may issue written certification for use of cannabidiol oil or THC-A oil. In short, it lets the medical practitioner decide what conditions would benefit from the use of such oils. (Patron: Dunnivant)

Failed Courts

[HB 1282](#) Parking citations; funds paid to locality. Amends § 46.2-1227 of the Code of Virginia to require that 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. (Patron: LaRock)

[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*)

SB613 Deposition of local governing body. Amends the code of Virginia § 8.01-410.1 to provide 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*)

SB 616 Waiver of immunity; persons covered by insurance policy. Amends the Code of Virginia by adding in Chapter 1 of Title 8.01 section 8.01-4.4 to provide that no person sued in a civil cause of action, who is immune from liability under Virginia law, may claim immunity if his actions that gave rise to the civil cause of action would otherwise be covered by an insurance policy. (*Patron: Surovell*)

SB618 Expert witnesses; government officer and employees; fees. Amend the code of VA by adding §8.01-401.4 to provide 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*)

Education

HB 150/SB 184 Child abuse and neglect; founded reports regarding former school employees. Amends § 63.2-1505 of the Code of Virginia to require local departments of social services to notify the appropriate school division if a report of child abuse and neglect is founded, and the subject of the report is or was at the time of the investigation or the conduct that led to the report a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth. (*Patrons: Bulova and Favola*)

HB 389/SB 183 Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction. Amends § 63.2-1503 of the Code of Virginia to require local departments of social services notify the Superintendent of Public Instruction, without delay, when an individual licensed by the Board of Education is subject to a founded complaint of child abuse or neglect and when such complaints have been dismissed. (*Patrons: Keam and Favola*)

SB 170 Public schools; student discipline. Amends §§ 22.1-254, 22.1-277, and 22.1-277.2:1 of the Code of Virginia to prohibit students in preschool through grade three from being suspended for more than three school days or expelled. Students may be expelled for drug offenses, firearm offenses, or certain criminal acts, 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. (*Patron: Stanley*)

SB 658 Literary Fund; application for loans by regional and joint schools. Amends §22.1-153 and provides 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*)

Failed Education

HB 109 School divisions, certain; development of plan to fund and phase in full-day kindergarten. The bill requires each local school board that does not offer a full-day kindergarten program to develop a plan to fund and phase-in such a program. The local school board shall submit the plan to the General Assembly prior to the 2019 General Assembly Session. (*Patron: Delaney*)

HB 305 Standards of Quality funding; apportionment of state and local share. Amends the Code of Virginia by adding in Chapter 13.2 of Title 22.1 section 22.1-253.13:11 to apportion the state and local share of the costs of providing an educational program meeting the Standards of Quality beginning January 1, 2018. The formula to determine a locality's ability to pay and a locality's composite index of ability to pay. (*Patron: Watts*)

HB 423/HB 1576/SB 880/SB 537 Composite index of local ability-to-pay; use value of real estate in certain localities. Amends the Code of Virginia by adding section 22.1-98.3 and section 22.1-253.13:11 to modify the way the composite index of local ability-to-pay is formulated. The bills are not identical. (*Patron: Gooditis, Peace, Stuart, Hanger*)

HB 791/HB 1046/ HB 1254/SB 366 School personnel; staffing ratios, school nurses. Amends §§ 22.1-253.13:2 and 22.1-274 of the Code of Virginia to exclude school nurse positions from requirements for student support positions. The bill requires each local school board to employ at least one full-time equivalent school nurse (i) in each elementary, middle, and high school in the division, or (ii) per 550 students in grades kindergarten through 12. (*Patrons: Pogge and Stuart*)

HB 1286 Parental Choice Education Savings Accounts; established, report. Amends the Code of Virginia by adding 22.1-222.1 through 22.1-222.5, relating to Parental Choice Education Savings Accounts. The bill creates one-year accounts consisting of an amount 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. The bill also permits parents to use such funding to pay for education-related expenses, including tuition, fees and textbooks for private schools. (*Patron: LaRock*)

SB 440 School boards, local; prior authorization for legal action. Amends § 22.1-82 of the Code of Virginia to exempt elected school boards from the requirement that they receive prior authorization from their local governing body prior to instituting any legal action against another government body. (*Patron: Wexton*)

SB 516 Public schools; Board of Education to establish regional charter school divisions. Amends §§ 22.1-25 and 22.1-212.10 of the Code of Virginia and adds sections numbered 22.1-57.01, 22.1-57.02, and 22.1-212.16:1 through 22.1-212.16:7 to authorize the Board of Education to establish regional charter school divisions consisting of at least two but not more than three

existing school divisions in regions where each school division has an enrollment of more than 3,000 students, and where one or more schools have been denied accreditation for two of the past three years. Such divisions are required 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 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*)

SB 869 Education Improvement Scholarships tax credits. Amends §§ 58.1-439.25 and 58.1-439.28 to broaden 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 complies with accredited requirements of the Virginia Council of Private Education. 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: DeSteph*)

HJ 112 Standards of Quality; Secretary of Education to study full funding. Requests the Secretary of Education to study the requirements of full funding of the Standards of Quality by establishing a work group. The work group will review current methods and formulae the General Assembly uses for funding, with an emphasis on adjustment or additional funding required to provide free public education to low-income students, students who receive special education, and English language learners. (*Patron: Rodman*)

HJ 91 Composite index of local ability to pay; DOE to study effect of local use value assessment. Requests the Department of Education to (i) determine for each locality adopting ordinances for use value assessment and taxation of certain real estate devoted to (a) agricultural use, (b) horticultural use, (c) forest use, and (d) open-space use; and, (ii) recalculate the composite index of local ability to pay for each location after considering such use values. (*Patron: Webert*)

HJ 115 Standards of Quality; JLARC to study cost to implement. 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*)

Elections

HB 690/SB 556 General registrars; residency requirement, exemption for certain counties and cities. Amends § 24.2-110 to exempt counties and cities with a population of 25,000 or less from the requirement a person appointed to serve as a general registrar be a qualified voter of the county/city for which he is appointed (*Patrons: Simon, Mason*)

HB 767/SB 983 Elections; precincts not to be changed between certain dates. Amends § 24.2-309.2 to prohibit 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. (*Patrons: Jones and Obenshain*)

SB 152 Assistants to general registrars; full-time status. Amends § 24.2-112 of the Code of Virginia to clarify 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. (*Patron: Edwards*)

SB 379 Office of the general registrar; open five days a week Amends § 24.2-411 of the Code of Virginia to provide 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 general appropriation act. (*Patron: Chafin*)

SB 474 Elections; status of officers of election. Amends § 24.2-122 to provide that a county or city may retain officers of election as independent contractors. (*Patron: Reeves*)

Failed Elections

VETOED HB 158 House of Delegates and Senate districts; General Assembly authorized to make technical adjustments. Amends the Code of Virginia by adding section 24.2-304.04 to authorize the General Assembly to make technical adjustments to legislative district boundaries subsequent to the decennial redistricting solely for the purposes of allowing such districts to coincide with local voting precinct boundaries. (*Patron: Cole*)

HB 299 Congressional and state legislative districts; localities to eliminate split precincts.

Amends §§ 24.2-304.1, 24.2-307, 24.2-308, and 24.2-309.2 of the Code of Virginia to require counties and cities to adjust local election district lines to congressional and state legislative district lines established by the General Assembly. The bill also requires that precincts be contained wholly within those districts when a county, city, or town is divided between two or more such districts. Localities that are unable to comply may apply for a waiver from the State Board of Elections. Further, the bill prohibits localities from creating, dividing, abolishing, or consolidating precincts between February 1, 2019 and May 15, 2021. (*Patron: Watts*)

HB 1216 Redistricting; GIS maps required, review by the Department of Elections.

Amends §§ 24.2-304.3, 24.2-306, and 30-264 of the Code of Virginia and adds a section 24.2-103.1 to require the Virginia Department of Elections to review local Geographic Information System (GIS) maps when changes are made to local precinct lines. The bill also allows localities without GIS capabilities to request assistance from the Department. (*Patron: Sickles*)

VETOED HB 1598/SB 106 Congressional and state legislative districts; standards and criteria.

Adds section 24.2-304.04 to provides criteria by which congressional and state legislative districts are to be drawn, including (i) equal population, (ii) racial and ethnic fairness including

the Equal Protection Clause of the United States Constitution and the provisions of the federal Voting Rights Act of 1965, as amended, (iii) respect for existing political boundaries, (iv) contiguity, (v) compactness, and (vi) communities of interest. The criteria set out would apply to those districts drawn following the 2020 United States Census and thereafter. The General Assembly did not adopt amendments sent down by Gov. Northam that would have prohibited redistricting that favored or disfavored a political party or incumbents. (*Patrons: Jones, S.C. and Suetterlein*)

SB 144 Form of ballot; party identification of candidates. Amends § 24.2-613 of the Code of Virginia to provide that any candidate nominated by a political party or in 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. (*Patron: Spruill, Suetterlein*)

SB 322 Redistricting; split precincts prohibited. Amends the Code of Virginia by adding section 24.2-305.1 to 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. (*Patron: Peake*)

Eminent Domain

HB 1564 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 thirteen the number of names the court shall select as potential commissioners from the submitted lists. (*Patron: Yancey*)

SB 278 Eminent domain proceedings; prompt payment of funds. Amends § 25.1-310 of the Code of Virginia and adds in Article 7 of Chapter 2 of Title 25.1 section 25.1-247.1 and 33.2-1027.1 to require 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 or, with consent of the owner, to the owner's attorney within 30 days of a settlement or final determination in an eminent domain proceeding. The bill further provides that the payment provision does not alter the priority of liens or any obligation to satisfy or release any outstanding liens on the property or the funds. (*Patron: Petersen*)

SB 809 Eminent domain; calculation of lost profits amends definitions. Amends §§ 25.1-100 and 25.1-230.1 of the Code of Virginia to specify that the individual 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. But, such bifurcation shall not

prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority. (*Patron: Petersen*)

Environment /Agriculture/Water and Stormwater

HB 220/SB 371 Parks, local; waterway activities, liability. Amends §§ 15.2-1806, 15.2-1809, and 15.2-1809.1 of the Code of Virginia to authorize 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. (*Patrons: Morefield/Chafin*)

HB 239/SB 375 Hunting with the assistance of dogs; hunting or killing raccoons on Sunday. Amends § 29.1-521 of the Code of Virginia to remove the prohibition on hunting raccoons after 2:00 a.m. on Sunday morning. (*Patrons: Kilgore and Chafin*)

HB 264 Oyster-planting ground; transfer or assignment of lease to locality. Amends § 28.2-625 of the Code of Virginia to expand the categories of persons who can receive a transfer of oyster planting ground leases to include a locality or other political subdivision of the Commonwealth and makes the change effective retroactive to July 1, 1966. (*Patron: Turpin*)

HB 358 Ground water management; subdivisions, technical evaluation. Amends § 62.1-255 of the Code of Virginia and adds section 62.1-259.1 to require 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 from the Department of Environmental Quality (DEQ). The application needs to be made before the final subdivision plat approval if there will be 30 or more lots within the subdivision served by private wells. DEQ is authorized to charge a developer a fee not to exceed \$5,000 to perform a technical evaluation. (*Patron: Bulova*)

HB 377 Virginia Water Protection Permit; exception for stormwater management facility on dry land. Amends § 62.1-44.15:21 of the Code of Virginia to exempt wetland and open water impacts to a stormwater management facility created for dry land for conveying, treating, or storing stormwater. The Department of Environmental Quality must establish guidance to monitor the environmental impact of exempted projects. (*Patron: Bulova*)

HB 494 Land development; replacement of trees, locality within Chesapeake Bay watershed. Amends § 15.2-961 of the Code to authorize any locality in the Chesapeake Bay Watershed to adopt an ordinance for planting and replacing trees during the development process. The ordinance shall require that the site plan at 20 years provide a 10 percent tree canopy on the site of any cemetery, and not exceed requirements in the law. (*Patron: Hodges*)

HB 865 Pet shops; local ordinance requiring bond for out-of-state breeder. Amends the Code of Virginia by adding section 3.2-6537.1 to authorize any local governing body to adopt an

ordinance that requires any pet shop or dealer in companion animals to furnish a bond of as much as \$5,000 for a pet shop selling an average of 50 or fewer dogs per year, and not more than \$30,000 for a pet shop selling an average of 51 or more dogs per year. The bill also provides conditions by which localities may waive and/or terminate the bond requirement of a pet shop. (*Patron: Orrock*)

HB 887 Onsite sewage systems; adjustment or replacement of sewer lines, etc., is considered maintenance. Amends § 32.1-163 of the Code of Virginia to clarify that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system not requiring a permit. (*Patron: Orrock*)

HB 925 Industrial & high-risk programs; locality to adopt, etc., runoff programs. Amends the Code of Virginia by adding section 62.1-44.15:49.1 to authorize 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 limits the ability of the State Water Control Board, unless it is required to do so by the federal Clean Water Act, to impose certain regulatory conditions on any locality that administers such a program, and it 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*)

HB 987 Agricultural operations; nuisance. Amends § 3.2-302 of the Code of Virginia to require agricultural operations be in substantial compliance with applicable statutes and best management practices to be exempt from becoming a public or private nuisance. (*Patron: Gilbert*)

HB 1035 Virginia Water Supply Revolving Fund; loans for regional projects. Amends § 62.1-239.1 of the Code of Virginia to direct the Board of Health to prioritize water projects not withdrawing groundwater from the coastal plain aquifers to conserve water in the Eastern Virginia Groundwater Management Area. (*Patron: Hodges*)

HB 1091 Virginia Resources Authority; dredging projects. Amends § 62.1-199 of the Code of Virginia, to expand the list of projects eligible for financing through the Virginia Resource Authority to include dredging programs or projects undertaken by local governments for economic and community development purposes. (*Patron: Hodges*)

HB 1092 Dredging projects; tax increment, financing. Amends § 58.1-3245 of the Code of Virginia to expand the definition of development project area to include dredging projects eligible for tax increment financing. Projects by or for the Virginia Port Authority are ineligible unless there's an agreement between the Port and the local governing body to seek such financing. (*Patron: Hodges*)

HB 1241 Car-washing fundraisers; biodegradable cleaners. Adds § **15.2-2114.1** to prohibit 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.

HB 1307 Stormwater management; rural Tidewater, tiered approach to water quantity technical criteria. Amends §§ 62.1-44.15:24 and 62.1-44.15:27, as they are currently effective and as they shall become effective, of the Code of Virginia and adds a section numbered 62.1-44.15:27.2, relating to stormwater management. The bill allows any rural Tidewater locality to adopt a tiered approach to water quantity management for Chesapeake Bay Preservation Act land-disturbing activities. (*Patron: Hodges*)

HB 1308 Stormwater management; local plan review, acceptance of signed plan in lieu of review. Amends § 62.1-44.15:24, as it is currently effective and as it shall become effective, of the Code of Virginia and adds a section numbered 62.1-44.15:27.2, relating to acceptance of signed plan in lieu of review. The bill authorizes rural Tidewater localities to require a licensed professional to submit a plan and supporting calculations for land-disturbing activities impacting between 2,500 square feet and one acre of land. The bill also directs the Department of Environmental Quality to consider expanding the agreement in lieu of a stormwater management plan to include nonresidential development sites less than one acre. (*Patron: Hodges*)

HB 1328 Hunting; disabled hunter exempt from local tree stand requirement. Amends the Code of Virginia by adding section 29.1-528.2 to exempt certain disabled hunters, (i) possessing a valid hunting license and are permanently disabled or (ii) holding a lifetime disabled or disabled veterans license, from any local ordinance requiring hunting from an elevated platform or tree stand. (*Patron: Edmunds*)

HB1475/SB344 Sewerage systems; state adoption of federal criteria. Amends § 62.1-44.15:1 to direct the Virginia Department of Environmental Quality to allow municipal wastewater systems more time to comply with proposed Federal clean water regulations and ammonia mitigation improvements. It is not clear, however, if the current administration will continue with the process in the first place. If EPA does move for compliance, then the legislation will allow the Commonwealth to oversee compliance and allow localities more time to comply.

HB 1608/SB 340 Virginia Water Quality Improvement Fund; publicly owned treatment works, nutrient reduction. Amends § 10.1-2131 of the Code of Virginia to authorize the Director of (DEQ) to distribute grants from Virginia WQIF for cost effective technologies to reduce nutrient loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia subsequent to satisfaction of nutrient reductions of regulations, permits, or the Chesapeake Bay Total Maximum Daily Load Watershed Implementation Plan. The bill requires DEQ 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 State Water Control Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. DEQ shall report such estimate November 1, 2018. (*Patrons: Poindexter and Peake*)

SB 211 Comprehensive plans; groundwater and surface water. Amends §§ 15.2-2223 and 15.2-2224 of the Code of Virginia to authorize a locality to show in their comprehensive plan long-range recommendations for groundwater and surface water availability, quality, and sustainability. The bill requires the local planning commission to survey and study such matters in preparation of the plan. (*Patron: Stuart*)

Failed Environment /Agriculture/Water

HB 14/SB 175 Dogs or cats; public animal shelters required to notify intent to euthanize. Amends § 3.2-6546 of the Code of Virginia to require a public animal shelter to wait three days beyond the five-day holding period before euthanizing a dog or cat when a person has notified the shelter of his intent to adopt or take custody of the 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 the animal has seriously injured a human or is critically injured, ill, or was lawfully surrendered. (*Patrons: Kory and Stanley*)

VETOED HB 1270 Regional Greenhouse Gas Initiative; prohibition on participation by Commonwealth. Amends the Code of Virginia by adding section 10.1-1184.1 to prohibit the Governor or any state agency or political subdivision from adopting any regulation establishing a carbon dioxide cap-and-trade program or allow the Commonwealth to participate in a regional market for the trading of carbon dioxide allowances. The bill provides that the Commonwealth shall be allowed to participate upon the House of Delegates and the Senate of Virginia adopting a resolution that specifically references and approves the regulatory text proposed for adoption by a state agency. (*Patron: Poindexter*)

HJ 93 Stormwater best management practices; planting and preservation of trees. Requests the Department of Environmental Quality to study the planting and preservation of trees as a stormwater best management practice. (*Patron: Lopez*)

HB 675 Alternative onsite sewage systems; Board of Health to review regulations. Directs the Board of Health to publish a Notice of Intended Regulatory Action for alternative onsite sewage systems regulations no later than October 1, 2018. The bill also directs the Board to work with stakeholders to consider such regulatory amendments related to requirements governing sampling, field sampling procedures, performance requirements, and such other revisions deemed necessary by the Board. (*Patron: Hodges*)

HB 801 Stormwater regulation; no stricter than federal law. Amends § 62.1-44.15:25, as it is currently effective and as it shall become effective, of the Code of Virginia to prohibit 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*)

HB 805/SB 507 Stormwater management regulations; localities outside Chesapeake Bay watershed. Amends the Code of Virginia by adding section 62.1-44.15:24.1 to provide that in a locality located 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 s: O'Quinn and Carrico*)

HB 889/SB 872 Dogs, tethering of; locality authorized to adopt an ordinance to restrict.

Amends §§ 3.2-6500 and 3.2-6543 of the Code of Virginia to authorize the governing body of any locality to adopt an ordinance restricting the tethering of a companion animal outdoors. The House and Senate bills took different approaches to the issue. (*Patrons: Orrock, Spruill*)

HB 1004/SB 367 Stormwater; locality shall provide for full waiver of certain charges for public use airport runway. The House and Senate bills take different approaches Amend§ 15.2-2114 of the Code of Virginia to allow localities to provide for a full waiver of service charges for stormwater management to airports for runways and taxiways. (*Patron: Byron, Newman*)

HB 1094 Chesapeake Bay Preservation Areas; regulations, local permit to raise land.

Amends the Code of Virginia by adding section 62.1-44.15:69.1 to direct 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 to mitigate the effects of flooding. (*Patron: Hodges*)

SB 193 Plastic shopping bags, disposable; local option to distribute to consumers. Amends the Code of Virginia by adding in Article 1 of Chapter 9 of Title 15.2 section 15.2-926.4 to allow 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*)

Freedom of Information Act/Transparency

HB 228 Virginia Public Records Act; records retained in electronic medium. 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.). (*Patron: Cole*)

HB 683/SB 921 Uniform Statewide Building Code; security of certain records. Amends § 36-105.3 of the Code of Virginia to clarify that information in engineering and construction drawings and plants for single-family residential dwelling units submitted for compliance with the USBC (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) are not subject to FOIA disclosure. (*Patrons: Pogge and Ebbin*)

HB 727 Virginia Freedom of Information Act; exclusion of records relating to public safety. Amends § 2.2-3705.2 of the Code of Virginia to clarify that security-related information about safety program plans adopted under Federal Transit Administration regulations on the Rail Fixed Guideway Systems Safety Oversight agency is excluded from FOIA. (*Patron: Delaney*)

HB 780/SB 564 Nonconfidential court records; clerk of court shall make records available to public upon request. Amends §§ 2.2-3703, 17.1-208, and 17.1-292 and adds sections 16.1-69.54:1 and 17.1-293.1, relating to public access to nonconfidential court records. The bill provides that a clerk of court make non-confidential court records available to the public upon request no later than 30 days after the request. The clerk may charge a fee for the actual cost of producing the records. Also, the bill requires the Executive Secretary of the Supreme Court make available to the public an online case information system of such information for criminal cases by July 1, 2019. (*Patrons: Habeeb and Obenshain*)

HB 905 Virginia Public Procurement Act; designation of trade secrets and proprietary information. Amends §§ 2.2-4342 and 2.2-4343 of the Code of Virginia, relating to the VPPA designation of trade secrets and proprietary information. The bill 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 such a document that does not contain trade secrets or proprietary information; or (iii) line item prices or total bid, proposal, or prequalification application prices. (*Patron: Robinson*)

HB 906 Virginia Freedom of Information Act; clarifies definition of electronic communication. Amends § 2.2-3701 of the Code of Virginia to clarify the definition of electronic communication to the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit information. (*Patron: Robinson*)

HB 907 Virginia Freedom of Information Act; meetings held by electronic communication means. Amends §§ 2.2-2455, 2.2-3701, 2.2-3707, 2.2-3707.01, 2.2-3714, 10.1-1322.01, 23.1-1301, 23.1-2425, 30-179, 33.2-1912, 62.1-44.15:02 of the Code of Virginia, and adds section 2.2-3708.2 to consolidate sections of FOIA related to holding public meetings through electronic communication means. (*Patron: Robinson*)

HB 908 Virginia Freedom of Information Act; meetings held by electronic communication means. Amends §§ 2.2-3708, 2.2-3708.1, and 30-179 of the Code of Virginia to remove the requirement that 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. 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. (*Patron: Robinson*)

HB 909 Virginia Freedom of Information Act; disclosure of law-enforcement and criminal records. Amends §§ 2.2-3706, 2.2-3711, and 15.2-1713.1 of the Code of Virginia to clarify that the discretionary exemptions contained in FOIA pertaining to law-enforcement and criminal records may be used by any public body. 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. (*Patron: Robinson*)

HB 1277/SB 580 Government Data Collection and Dissemination Practices Act; sharing and dissemination of data. Amends §§ 2.2-3800, 2.2-3801, and 2.2-3803 of the Code of Virginia to facilitate the sharing of data among and between agencies of the Commonwealth and political subdivisions. (*Patrons: Garrett and Hanger*)

Failed Freedom of Information/Transparency

Note: All the bills except for SB 751 are being studied by the FOIA council, so legislation may be introduced next session.

HB 213 Virginia Freedom of Information Advisory Council; formal advisory opinions, immunity. Amends § 30-179 of the Code of Virginia and adds in Chapter 37 of Title 2.2 section 2.2-3715 to require that formal advisory opinions issued by the Virginia Freedom of Information Advisory Council be approved by the Council and published on the Council's website. The bill provides that no officer, employee, or member of a public body shall be found to have willfully and knowingly violated certain enumerated provisions of FOIA if the alleged violation resulted from his good faith reliance on a formal advisory opinion of the Council in response to written request for opinion and opinion was made after a full disclosure of the facts. (*Patron: Mullin*)

HB 504/HB 664/SB 876/ HB 957/ HB 959 Virginia Freedom of Information Act; definition of "custodian." Amends § 2.2-3701 of the Code of Virginia to define "custodian," for purposes of FOIA, 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 bills are not identical. (*Patron: Mullin, Kilgore, Cline, Yancey*)

HB 642 Legal notices; online publications. Amends § 8.01-324 of the Code of Virginia to provide that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such document may instead be published in an online publication. The bill further specifies the requirements for such online publication. (*Patron: Hope*)

HB 940 Freedom of Information Act Ombudsman; created, Attorney General to appoint. Amends the Code of Virginia by adding section 2.2-501.1 to provide for the Attorney General to appoint a Freedom of Information Act Ombudsman to promote compliance by state agencies with the provisions of FOIA. (*Patron: Roem*)

HB 1101/ HB 1247/SB336 Virginia Freedom of Information Act; right to speak at open meetings. Amends §§ 2.2-3707 and 23.1-1303 of the Code of Virginia to require that every public body, except for governing boards of public institutions of higher education, afford an opportunity for public comment during any open meeting. Although the bill provides that if a

public body holds more than four meetings in a calendar year, such public body may limit the number of meetings at which an opportunity for public comment is afforded to four meetings per calendar year, this will still require all advisory work groups or other committees formed by local boards to take public comment. (*Patron: Robinson/Peake*)

HB 1603 Virginia Freedom of Information Advisory Council; charges for the production of public records. Amends §§ 2.2-3704 and 2.2-3704.1 of the Code of Virginia to require public bodies to waive the first two hours of search and production of documents for any requestor that files 20 request or less in a 31-day period. The bill also requires that no charge over \$50 may be levied unless the requestor agrees to the higher amount. The bill further mandates that the lowest paid individual must fulfill the request. (*Patron: Roem*)

SB 630 Virginia Freedom of Information Act; civil penalty. Amends § 2.2-3714 of the Code of Virginia to provide 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 individual intentionally altered or destroyed the requested public records prior to the expiration retention period, the court shall impose a civil penalty of up to \$100 per record and, (ii) if a court finds that a member of a public body voted to certify a closed meeting and such certification was not in accordance with FOIA, the court shall impose on each such voting member, a civil penalty of \$500 to be paid into the Literary Fund. (*Patron: Surovell*)

SB 751 Localities and school divisions; posting of register of funds expended. Amends the Code of Virginia adding section 15.2-2510.1 to require 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. Allows any locality or school division to exclude from such posting (i) any information that is exempt from mandatory disclosure under FOIA, (ii) any personal identifying information related to a court-ordered payment, and (iii) any information related to undercover law-enforcement officers. (*Patron: Sturtevant*)

Health and Human Resources

HB 511 Child abuse or neglect; sex offenders, investigations, reports to law enforcement. Amends §§ 63.2-1503 and 63.2-1506 of the Code of Virginia to add complaints that a child who has been left alone with a person not related to that child by blood or marriage and has been convicted of a sexually violent offense against a minor to the list of complaints local social services are required to notify the local attorney for the Commonwealth and the local law-enforcement agency. The complaint is also added to the list designated for investigation by the Department of Social Services. (*Patron: Bell, R.B.*)

HB 836 Child day programs at public or private school facilities; exemptions. Amends § 63.2-1734 of the Code of Virginia to prohibit the Board of Social Services from adopting

regulation that govern child day programs at public or private school facilities that do not allow children to use outdoor equipment in areas approved for use by school students during school hours. The bill includes programs at public schools where the building is required to have an inspection, where the vehicles used to transport students are owned by the school, or where meals served to children are prepared by the school. (*Patron: Bagby*)

HB 850/SB 543 Adult protective services; emergency order, temporary conservator.

Amends § 63.2-1609 of the Code of Virginia to extend the same appointment authorization of temporary guardians to temporary conservators for managing the adult's estate and financial affairs related to the approval of adult protective services under the order timeframe. For the temporary conservator, the bill also sets the bond and surety in the same manner. (*Patrons: Peace and Mason*)

HB 1017/SB 682 Child day programs; exemptions from licensure. Amends § 63.2-1715 of the Code of Virginia to exempt child day programs run by a local school division from licensure. Children attending the programs must be at least four years old and enrolled in public school or a preschool program within the division. Programs must comply with standards set by the local school board. (*Patrons: Toscano and Deeds*)

HB 1026 Adult protective services; appealability of findings made by local department of social services. Amends § 63.2-1605 of the Code of Virginia to provide that written findings of a local department of social services or its director are final for adult protective services investigations except for judicial review under the Administrative Process Act. (*Patron: Adams*)

HB 1355 Minors; alternative facility of temporary detention. Amends §§ 16.1-340.1 and 16.1-340.2 of the Code of Virginia to establish the same transfer of custody procedure for adults under temporary detention orders to minors. (*Patron: Hope*)

SB 399 Drug overdose fatality review teams, local or regional; localities to establish.

Amends §§ 2.2-3705.5 and 2.2-3711 of the Code of Virginia and adds a section 32.1-283.7 to authorize a county, city, or combination thereof to establish a local or regional overdose fatality review team to: (i) conduct reviews of local overdose deaths, (ii) promote coordination between agencies involved in investigation, (iii) develop an understanding of causes of death, (iv) develop plans to address changes in participating team members regarding prevention methods, and (v) advise the Department of Health and other state agencies on formal and informal policy changes related to prevention. Violating confidentiality of the review process is a Class 3 misdemeanor. (*Patron: Lewis*)

Failed Health and Human Resources

HB 1487/SB 878 Correctional facilities, local and regional; standards for mental health services. Amends §§ 37.2-500, and 53.1-68 of the Code of Virginia to requires the Board of Corrections to adopt standards for mental health services in local and regional correctional facilities. Includes: (i) the sheriff of every county and city in which a local correctional facility is located enter into an agreement with the CSB for delivery of mental health and substance abuse

services and (ii) the administrator of every regional correctional facility enter into an agreement with CSB serving the localities participating in the regional correctional facility for 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. Lastly, the bill 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 serving the locality where the individual will reside upon release. (*Patrons: Stolle and Dunnivant*)

HJ 29 Children's Services Act; JLARC to study administration. Directs the Joint Legislative Audit and Review Commission to study the administration, structure, funding, and services of the Children's Services Act. (*Patron: Bell, R.P.*)

Land Use / Economic Development

HB 161 Service districts; general government facilities may be constructed pursuant to power of districts. Amends § 15.2-2403 of the Code of Virginia to add general government facilities to the types of facilities a governing body may construct pursuant to powers granted to service districts. (*Patron: Cole*)

HB 164/SB 529 Contractors, Board for; prerequisites to obtaining a building permit. Amends § 54.1-1111 of the Code of Virginia to eliminate the requirement a building permit applicant obtain an affidavit, providing that a written statement certifies the individual is not subject to licensure or certification as a contractor or subcontractor. (*Patrons: Yancey and Mason*)

HB 431 Enterprise Zone Grant Program; designation of enterprise zone. Amends §§ 59.1-542 and 59.1-544 of the Code of Virginia to codify the minimum and maximum size of enterprise zones under the Enterprise Zone Grant Program. Boundary amendments made by local governments that include the elimination of an area from a zone shall not exceed maximum size provisions and shall be reviewed by the DHCH with the potential impact on affected businesses and property owners given primary consideration. (*Patron: Marshall*)

HB 594/SB 451 Local government; authority to require abatement of criminal blight on real property. Amends § 15.2-907 of the Code of Virginia to authorize 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 that endanger residents of the community by the (i) regular presence of persons using the property for controlled substance use or sale and other criminal activities, (ii) usage for commercial sex acts, or (iii) repeat acts of the malicious discharge of a firearm within a building or dwelling. (*Patrons: Carr and Dance*)

HB 609/SB 391 Housing; installation and maintenance of smoke and carbon monoxide alarms in rental property. Amends §§ 15.2-922, 36-99.3 through 36-99.5:1, 55-225.3, 55-225.4, 55-248.13, 55-248.16, and 55-248.18 of the Code of Virginia to allow a locality to adopt an ordinance that requires the installation of smoke alarms in (i) buildings containing one or

more dwelling units, (ii) hotels or motels regularly used, offered for, or intended to provide overnight sleeping accommodations for one or more persons, and (iii) rooming houses regularly used for overnight sleeping accommodations. Localities that have adopted an ordinance must conform those ordinances to the state standards by July 2019. (*Patrons: Carr and Barker*)

HB 709 Zoning; violation, penalties. Amends § 15.2-2286 of the Code of Virginia to increase 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: Bell, J.J.*)

HB 796 Zoning; disabilities. Requires a locality to give consideration to the need for reasonable modifications to requirements that are necessary to accommodate persons with disabilities when preparing a zoning ordinance. The bill also alters the standard by which a variance shall be granted by adding the phrases "including the safe and easy use thereof" in regard to property and "or would accommodate persons with disabilities as required under the Americans with Disabilities Act (*Patron: Hope*)

HB 824 Short-term rentals; local ordinances in City of Lexington. Requires the City of Lexington to comply with various statutory provisions related to the short-term rental of property. This bill was amended to add the City of Virginia Beach in an enactment clause. The clause requires that any short-term rental located in the Sandbridge Special Service District be a principal use subject to the short-term rental ordinance. (*Patron: Knight*)

HB 1148 Economic growth-sharing; review of agreements. Amends § 15.2-1301 of the Code of Virginia to require all economic growth-sharing agreements provide a report at least annually from each locality receiving funds under the agreement to the participating local governing body. The report includes (i) the amount of money transferred among the localities pursuant to the agreement, and (ii) the use of those funds. Parties involved in such an agreement for at least 10 years as of July 1, 2018 and with annual payments exceeding \$5 million shall provide the report and convene an annual meeting to discuss future plans for economic growth in localities. (*Patron: Landes*)

HB 1179/SB 448 Abandoned schools; creation of revitalization zones. Amends the Code of Virginia by adding section 15.2-941.1 to allow localities to establish by ordinance one or more abandoned school revitalization zones to provide incentives to private entities to purchase or develop real property or to assemble parcels suitable for economic development that include such site. 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 such a zone shall be eligible for participation in the Virginia Shell Building Initiative. (*Patrons: Pillion and Chafin*)

HB 1609 Horse racing and pari-mutuel wagering; definition of historical horse racing. Amends §§ 59.1-365 and 59.1-392 of the Code of Virginia to establish historical horse racing as a form of racing that creates pari-mutuel pools from wagers placed on previously conducted horse races. The race must be hosted at (i) a racetrack owned or operated by a significant

infrastructure limited licensee, or (ii) a satellite facility (a) owned or operated by such licensee or (b) nonprofit industry stakeholder organization recognized by the Virginia Racing Commission and licensed to own and operate such satellite facility. The bill also establishes retainage fees with (i) 0.75 percent to the Commonwealth for a license tax, (ii) 0.50 percent to the locality in which the racetrack is located, or (iii) 0.25 percent to the locality where the satellite facility is located and 0.25 percent to the locality where the racetrack is located. The Commission has 180 days to promulgate regulations implementing provisions of the bill. (*Patron: Webert*)

SB 677 Local tourism board, etc.; member of a local government authorized to be elected or appointed. Amends § 15.2-1535 of the Code of Virginia to authorize a member of a local governing body to be elected or appointed by that body to be a member of a local convention, visitors, or tourism board, authority, or agency. (*Patron: Deeds*)

SB 993 Local planning commissions; proposed plats. Amends § 15.2-2259 of the Code of Virginia. Prohibits a local planning commission from delaying the official submission of any proposed plat, site plan, or plan of development by requiring pre-submission conferences, meetings, or reviews. (*Patron: Reeves*)

Failed Land Use

HB 245 Vested rights; nonconforming use. Amends § 15.2-2307 of the Code of Virginia to provide that a nonconforming use may be continued so long as the use is not discontinued for more than one year and meets other conditions. (*Patron: Krizek*)

HB 89 Conditional rezoning proffers; affordable dwelling units. Amends § 15.2-2303.4 of the Code of Virginia to exempt onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable. (*Bell, J.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*)

HB 714/SB 784 Building Code; provisions for buildings & structures in rural areas. Amends the Code of Virginia by adding section 36-99.02 to direct 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 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 in rural areas. (*Patrons: Bell, R.P. and Obenshain*)

HB 1097 War veterans; removal of certain monuments or memorials. Amends § 15.2-1812 of the Code of Virginia to related to 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 shall be given an opportunity to reclaim or relocate the monument or memorial within six months of notice from the locality. After such time, if the owner declines the opportunity to reclaim or relocate, 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*)

HB 1098/SB 733 Monuments and memorials, certain; removal to prominently display in outdoor location of museum. Amends § 15.2-1812 of the Code of Virginia to provide 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 relocate the monument or memorial to be prominently displayed in an outdoor location on the grounds of a locality-owned history museum within one-quarter mile of the existing site, upon the affirmative vote of the governing body. 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 such time, if the owner declines the opportunity to reclaim or relocate, the locality shall be authorized to proceed with the relocation. (*Patrons: Levine and Ebbin*)

HB 1224 Uniform Statewide Building Code; applicability to farm buildings and structures. Amends § 36-99 of the Code of Virginia to provide 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, farm winery, or brewery. The bill has a delayed effective date of July 1, 2020. (*Patron: Hugo*)

HB 1225 War veterans; removal or upkeep of monument or memorial. Amends § 15.2-1812 of the Code of Virginia to provide that a locality may remove or support upkeep, maintenance, or contextualization of any monument or memorial for war veterans located in its public space, regardless of when erected. (*Patron: Toscano*)

HB 1387 Zoning; aquaculture in agricultural zone, preexisting use. Amends the Code of Virginia by adding a section numbered 15.2-2307.2 and to amend Chapter 435 of the Acts of Assembly of 2014 by adding a third enactment to provides that any aquaculture use established on property zoned as an agricultural district, 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*)

HB 1446 Conditional rezoning proffers; provision for public facility improvement. Amends § 15.2-2303.4 of the Code of Virginia to exempt counties that operate under the urban county

executive form of government from provisions related to the request or acceptance of unreasonable proffers. (*Patron: Sickles*)

SB 208 Impact fees; residential development. Repeals § 15.2-2328 of the Code of Virginia, relating to impact fees for residential development. The bill extends the same authority given to a limited number of jurisdictions to all localities for utilizing impact fees for residential development. Such authority allows a locality to calculate costs of public facilities to serve all new homes, and provides an improved alternative to the proffer system which applies only to conditional rezoning applications. (*Patron: Stuart*)

SB 290 Affordable dwelling unit ordinances; program to address housing needs. Amends § 15.2-2304 of the Code of Virginia to expand, 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*)

SB 469 Conditional zoning; removes restrictions on types of proffers a locality may request or accept. Amends § 15.2-2303.4 of the Code of Virginia to remove 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 for 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 create a need exceeding the existing public facility capacity. The bill removes requirements related to appealing the rezoning or amendment to an existing proffer action. (*Patron: Reeves*)

SB 714 Local economic development; expenditure shall be first approved by local governing body. Amends § 15.2-940 of the Code of Virginia provides that any locality shall approve all economic development gr, on an annual basis, ant made to any person and the local economic development authority budget. (*Patron: Chase*)

SB 957 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*)

HJ 13 Permitting process; localities encouraged to develop a more uniform and streamlined process. Encourages to develop a more uniform and streamlined permitting process with the Virginia Association of Counties and the Virginia Municipal League leading the development of a model application and permitting process while utilizing the best practices from localities throughout the Commonwealth. (*Patron: Yancey*)

HJ 60/HJ 105/SJ 7 State-owned ports; JLARC to study impact on local governments. 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." (*Patrons: James, Heretick, and Lucas*)

SJ 13 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*)

Personnel

HB 1163 Fire protection; applicant preemployment information with fire departments.

Amends § 27-6.2 to allow 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.

Failed Personnel

HB 39 Minimum wage, local alternative; establishes procedure by which wage may be imposed in any locality.

Establishes a procedure by which a local alternative minimum wage may be imposed in a locality. If by ordinance of the local governing body, the alternative minimum wage requirement shall become effective on July 1 following the delivery of a certified copy of the ordinance to the Commissioner of Labor and Industry. In a locality with such ordinance in effect, every employer shall pay 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. (*Patron: Levine*)

HB 1326 Virginia Retirement System; E-911 dispatchers. Amends § 51.1-138 of the Code of Virginia to add E-911 dispatchers to the list of local employees eligible for hazardous duty benefits, if a locality opted to provide the enhanced benefit. (*Patron: Reid*)

HB 1357/HB 600/SB 252 Public employment; inquiries by state agencies and localities regarding criminal convictions. Amends the Code of Virginia adding sections 2.2-2812.1 and 15.2-1500.1 to prohibit state agencies from employment application questions inquiring whether the prospective employee has been arrested, charged with, or convicted of, any crime, subject to certain exceptions. Individual may not be asked unless the inquiry occurs after receipt of a conditional offer of employment, which may be withdrawn if the conviction, arrest, or charge directly relates to the duties and responsibilities of the position. **The bill also authorizes localities to prohibit such inquiries.** (*Patrons: Aird, Carr, and Dance*)

HB 1471 Grievance procedures; selection of panel. Amends §§ 15.2-1507, 22.1-309, 22.1-311, and 22.1-313 of the Code of Virginia, relating to local grievance procedure. The bill reverts to a three-member panel, at the choice of the grievant, and eliminates grievance panels currently used by localities. The bill shifts interpretation of whether the relief granted is consistent with local policy from the Chief Administrative Officer of the locality to the Commonwealth's Attorney. (*Patron: Hugo*)

Procurement

HB 97 Virginia Public Procurement Act; methods of procurement, single or term contracts. Amends §§ 2.2-4303 and 2.2-4303.1 of the Code of Virginia to increase the maximum permissible aggregate or sum of all phases of single or term contracts for professional services procured without requiring competitive negotiation to \$80,000. The bill also increases 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 to \$750,000. (*Patron: Bell, J.J.*)

HB134 /SB 125. 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. (*Patrons: Bell JJ, Black*)

HB 398 Virginia Public Procurement Act; bid, performance, and payment bonds, waiver by localities, sunset. Amends Chapter 789 of the Acts of Assembly of 2017 by adding a sunset date of July 1, 2021 to the provisions: (i) authorizing a locality to waive the prequalification requirement of a bidder with a current Class A contractor license for nontransportation-related construction contracts between \$100,000 and \$300,000 upon a written determination made in advance by the local governing body, and (ii) prohibiting localities from entering into more than 10 such contracts per year. (*Patron: Davis*)

HB 574/SB 688 Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management. Amends § 2.2-4304 of the Code of Virginia to exclude from the Virginia Public Procurement Act the prohibition on using cooperative procurement to purchase construction: (i) the installation of artificial turf and track surface, (ii) stream restoration, or (iii)

stormwater management practices, and all associated and necessary construction and maintenance. (*Patrons: Hodges and Ruff*)

HB 760 Virginia Public Procurement Act; exemption for Virginia-grown food products.

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*)

Failed Procurement

HB 98 Virginia Public Procurement Act; competitive negotiation for professional services.

Amends § 2.2-4302.2 of the Code of Virginia to allow a public body to conduct negotiations simultaneously with the two top ranked offerors for competitive negotiation for professional services, if such body does not request or discuss nonbinding estimates of total project costs and as long as the process is set forth in the Request for Proposal. (*Patron: Bell, J.J.*)

HB 193 Virginia Public Procurement Act; bid match preference for Virginia businesses.

Amends § 2.2-4324 of the Code of Virginia to provide that 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 Virginia business bid is within five percent of the lowest out-of-state bid. (*Patron: Bell, R.P.*)

HB 257 Virginia Public Procurement Act; clarifies definitions of responsible bidder or offeror. Amends § 2.2-4301 of the Code of Virginia to clarify 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*)

HB 306/SB650 Public Procurement Act; preference for business participating Va.

Registered Apprenticeship program. Amends § 2.2-4324 of the Code of Virginia to authorize 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, and (iii) whose bid is within three percent of the lowest bid price. (*Patron: Watts, McPike*)

VETOED HB 375 Local government; prohibiting certain practice requiring contractors to provide compensation, etc. The bill prohibits local governing bodies from requiring contractors to provide compensation or benefits beyond those required by state or federal law. (*Patron: Davis*)

HB 473 Virginia Public Procurement Act; use of best value contracting. Amends §§ 2.2-4300, 2.2-4301, and 2.2-4302.2 of the Code of Virginia and adds in Chapter 43 of Title 2.2 article 7, consisting of sections 2.2-4377.1, 2.2-4377.2, and 2.2-4377.3 to authorize 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*)

HB 724 Virginia Public Procurement Act; amends prompt payment provisions, etc.

Amends § 2.2-4347 of the Code of Virginia to change the definition of "payment date" in the Virginia Public Procurement Act prompt payment provisions to 15 days after receipt of a proper invoice by the state agency, where a contract does not specify the payment date. (*Patron: Plum*)

HB 774/HB 1271/SB 317 Public procurement; contracting for construction on a construction management basis. Amends §§ 2.2-4379 through 2.2-4382 of the Code of Virginia to authorize any state public body and covered institutions to enter into construction management or design-build contracts where the estimated cost is expected to be greater than \$40 million of actual construction costs without following certain statutory procedures. The bill also changes the threshold for local public bodies to contract for construction using construction management contracts to \$40 million. The bill amends 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. (*Patrons: Landes, Sickles, and Ruff*)

HB 921 Virginia Public Procurement Act; allows public bodies to utilize cooperative procurement. Amends § 2.2-4304 of the Code of Virginia to allow public bodies to utilize cooperative procurement for (i) public utility and infrastructure projects, and (ii) the demolition of buildings, where the expected cost for such projects and demolition is less than \$500,000. (*Patron: Lopez*)

Public Safety

HB 83 Feminine hygiene products; no cost to female prisoners or inmates. Requires the State Board of Corrections to adopt and implement a standard to ensure the provision of feminine hygiene products to female inmates without charge and directs the Department of Corrections to each adopt and implement a standard to ensure the provision of feminine hygiene products to female prisoners without charge. (*Patron: Kory*)

HB 364 Execution of temporary detention orders; inmates in local correctional facilities. Amends § 19.2-169.6 of the Code of Virginia to authorize certain deputy sheriffs or jail officers of local correctional facilities to execute temporary detention orders for inmates in those facilities. (*Patron: Rush*)

HB 638/SB 526 Trespass; use of an unmanned aircraft system, penalty. Amends § 15.2-926.3 of the Code of Virginia, adds sections 18.2-121.3, 18.2-324.2, and repeals the second enactment of Chapter 451 of the Acts of Assembly of 2016 to address trespass by an individual with an unmanned aircraft system. The bill expands the current prohibition on the regulation of private drones by localities to political subdivisions. The bill clarifies that the change does not permit a person to enter upon land owned by a political subdivision just because he is in

possession of a drone if under other circumstances he is not permitted to enter upon such land. The bill repeals the second enactment of Chapter 451 of the 2016 Acts of Assembly, which set the sunset provision on the prohibition on localities to regulate drones for July 1, 2019. The bill requires the Secretary of Commerce and Trade and the Virginia Economic Development Partnership to study the impact of this act on unmanned aircraft research, innovation, and economic development in Virginia and to report to the Governor and General Assembly by November 1, 2019. (*Patrons: Collins and Obenshain*)

HB 996/SB 783 Pretrial services agencies; Department of Criminal Justice Services to review, report. Amends § 19.2-152.7 of the Code of Virginia to require the Department of Criminal Justice Services to report to the Governor and the General Assembly by December 31 of each year the performance of each pretrial services agency to determine compliance with its submitted plan and operating standards. (*Patrons: Gilbert and Peake*)

HB 1367 Emergency Management, Virginia Department of; local sheltering data. Amends § 44-146.19 of the Code of Virginia to require all political subdivisions provide data relating to emergency shelter capabilities to the State Coordinator of Emergency Management by May 1 of each year. (*Patron: Jones, J.C.*)

HB 1388/SB 513 Enhanced Public Safety Telephone Services Act; implementation of 9-1-1 (NG9-1-1) services. Amends §§ 2.2-3705.6, 2.2-3711, 56-1.3, 56-484.12, 56-484.16, and 56-484.17 of the Code of Virginia and repeals §§ 56-484.12:1, 56-484.12:2, and 56-484.15 to transition public service answering points and originating service providers to the next generation 9-1-1 (NG9-1-1) service. The bill alters the funding formula and criteria set by the 9-1-1 Service Board for distribution of monies from the Wireless E-911 Fund. The bill also repeals provisions related to notice of protocol to subscribers, plans for subscribers to obtain E-911 service, and the Wireless Carrier E-911 Cost Recovery Subcommittee. (*Patrons: Leftwich and Suetterlein*)

HB 1482/SB 508 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. (*Patrons: Thomas and Carrico*)

HB 1525 Handheld personal communications devices; prohibits use in highway work zones. Amends § 46.2-1078.1 of the Code of Virginia to add 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. (*Patron: Yancey*)

SB 36 Weekend jail time; replaces provision limiting nonconsecutive days. Amends § 53.1-131.1 of the Code of Virginia to allow courts, for good cause and absent objection by the Commonwealth, to impose weekend jail time for defendants convicted of a misdemeanor, traffic offense, any offense under Chapter 5 (§ 20-61 et seq.) of Title 20, or a nonviolent felony, if the active portion of the sentence is 45 days or less. (*Patron: Stanley*)

SB 149 Smoking in outdoor amphitheater or concert venue; civil penalty. The bill has to be reenacted in the 2019 session to go into effect. The bill adds § 15.2-926.4 to authorize 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. (*Patron: Edwards*)

SB 186 Unmanned aircraft by a locality; search warrant, exception. Amends § 19.2-60.1 of the Code of Virginia to extend to localities the authority to use unmanned aircrafts without a search warrant for purposes other than law enforcement. Such use of aircrafts include damage, traffic, flood stage, and wildfire assessment as well as research and development by institutions of higher education and other research organizations and institutions. (*Patron: Black*)

Failed Public Safety

HB 68/HB 261 Firearms; regulation firearms in libraries and other buildings owned or operated by localities. Amends § 15.2-915 of the Code of Virginia to allow a locality to adopt an ordinance prohibiting firearms, ammunition, or components or a combination thereof in locality-owned buildings. (*Patron: McQuinn, Price*)

HB 116/HB 180/HB 181/SB 275/SB 600/HB506/HB510 Distracted driving; authority of local government and penalties. Amends § 46.2-1300 of the Code of Virginia to allow the governing body of a county, city, or town to adopt an ordinance prohibiting a person from driving a vehicle on any highway located within such locality failing to pay proper time and attention to safely operate the vehicle. Other bills Amend § 46.2-868 of the Code of Virginia, add section 46.2-869.1, and repeals § 46.2-1078.1 to expand the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle. These bills are not identical. (*Patrons: Webert, Collins, Barker, and Vogel*)

HB 402 Law-enforcement agencies, local; body-worn camera systems. Amends § 9.1-102 of the Code of Virginia and adds section 15.2-1723.1 to require the Department of Criminal Justice Services (DCJS) to establish a model policy for the operation of body-worn camera systems. The bill also prohibits any law-enforcement agency from purchasing or deploying a body-worn camera system unless it has adopted and established a written policy for the operation of such a system, using the model policy developed by DCJS as guidance. (*Patron: Levine*)

HB 649/HB1009 Firearms, certain; prohibited public carrying, penalty. Amends § 18.2-287.4 of the Code of Virginia to prohibit the carrying of a (i) semi-automatic center-fire rifle or pistol that expels single or multiple projectiles and equipped with more than 20 rounds of ammunition or designed to accommodate a silencer or equipped with a folding stock, or (ii) rifle

in places open to the public in certain cities and counties. The bills, which are not identical, add various localities to the list where carrying such firearms is prohibited. (*Patron: Simon, Toscano*)

HB 814/HB1019/SB360/HB1052/SB155/SB668 Firearms; control by localities, lawful demonstrations and protests. Amends § 15.2-915 of the Code of Virginia to allow 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. These bills are not identical. (*Patron: Levine, Toscano, Watts, McClellan, Edwards, Deeds*)

HB 997 Pretrial Services Act; repeals Act. Amends various sections of the Code of Virginia and repeals § 19.2-152.2 to repeal the Pretrial Services Act established in 1995, which authorizes localities to establish pretrial services programs. (*Patron: Gilbert*)

VETOED HB 1257 Sanctuary policies prohibited. Provides that no locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. (*Patron: Cline*)

HB 1289 Passing stopped school buses; local ordinances. Amends § 46.2-844 to provide 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*)

VETOED HB 1595/SB 972 Vested rights; owners of property not required to retrofit existing landscape cover materials. Amends § 15.2-2307 of the Code of Virginia to provide that an owner of real property, who has an occupancy permit issues as of January 1, 2018, shall not be required to retrofit existing landscape cover materials. The owner shall not be prohibited from continuing to use, supplement, or refurbish existing materials at the property. Materials include mulch, wood chips, rock, stone, or similar materials to maintain the health of plants and bushes. (*Patrons: Wilt and Obenshain*)

SB 173/SB 778 Consumer fireworks; regulation of the sale and use, criminal and civil penalties. Amends various sections of the Code of Virginia to make changes to the sale and use of consumer fireworks. The two bills are not identical. (*Patrons: Stanley, Suetterlein*)

SB 342 Jails, local; compensation for costs of incarceration. Amends § 53.1-20.1 of the Code of Virginia to provide that a jail be compensated for the housing of a convicted felon based on the actual costs of incarceration. The bill also requires 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. (*Patron: Peake*)

SB 495 Deputy Sheriff Supplemental Salary Fund; created, revenue source. Amends § 16.1-69.48 of the Code of Virginia and adds section 15.2-1609.7:1 to establish the Deputy Sheriff

Supplemental Salary Fund to supplement the salaries of deputy sheriffs in qualified localities. Eighty percent of fines generated by a local sheriff or deputy sheriff shall be paid to the locality where the ordinance violation occurred, and twenty percent of such fines shall be paid into the Fund. (*Patron: Carrico*)

SB 678 Speed monitoring systems; locality may, by ordinance, establish. Amends §§ 2.2-1112, 46.2-208, and 46.2-882 of the Code of Virginia and adds section 46.2-882.1 to provide that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system that records images of vehicles traveling at least 10 miles per hour over the maximum speed limit. For individuals found to travel with excess speeds, penalties shall not exceed \$50. The bill provides that a locality may install and operate such system in residence districts, school crossing zones, and highway work zones. (*Patron: Deeds*)

SB 886 Law-enforcement officers; psychological examination. Amends § 15.2-1705 of the Code of Virginia to require upon 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*)

HJ 97 Pretrial services agencies; JLARC to study. 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*)

Taxation and Finance

HB 119 Merchants' capital tax; classification. Amends the Code of Virginia by adding § 58.1-3510.02 to create a separate classification for a local tax for certain merchants' capital reported as inventory and normally located in a structure containing at least 100,000 square feet solely used for inventory. (*Patron: Thomas*)

HB 154/SB 230 Commonwealth's tax system; conformity with federal law, emergency. Amends § 58.1-301 of the Code of Virginia to conform the Commonwealth's taxation system with the Internal Revenue Code to February 9, 2018. The bill also conforms to certain provisions of Public Law 115-97, known as the "Tax Cuts and Jobs Act," that affect taxable years prior to 2018, and 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. (*Patrons: Ware, Hanger*)

HB 179 Public facilities; bonds issued for construction, municipal authority to retain certain tax revenue. Amends § 58.1-608.3 of the Code of Virginia to extend the list of bonds used to finance public facilities eligible to be repaid from sales tax revenues to include bonds issued on or after January 1, 2013, but prior to July 1, 2020, for the construction of certain public facilities. (*Patron: Collins*)

HB 222/SB 883 Income tax, corporate & state; modification for certain companies & subtraction for their employees. Amends §§ 2.2-115, 58.1-405, 58.1-408, 58.1-417 through

58.1-420, 58.1-422, 58.1-422.1, and 58.1-422.2 of the Code of Virginia and adds sections 15.2-958.2:01 and 58.1-405.1 to establishes an income tax modification for certain companies. Between 2018 through 2025, such companies must be certified by the VEDP as generating positive fiscal impact and either (i) invest at least \$5 million in new capital investment in a qualified locality and create at least 10 jobs in such locality or (ii) create at least 50 jobs paying at least twice 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" as (a) the Counties of Alleghany, Bland, Buchanan, Carroll, Craig, Dickenson, Giles, Grayson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, or Wythe or the Cities of Bristol, Galax, or Norton; (b) the Counties of Amelia, Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Henry, Lunenburg, Mecklenburg, Nottoway, Patrick, Pittsylvania, or Prince Edward or 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, or Westmoreland; or (d) the Counties of Brunswick or Dinwiddie or the City of Petersburg. (*Patrons: Morefield and Stanley*)

HB 489 Registration and licensing of vehicles; payment of local taxes and fees. Amends § 46.2-752 of the Code of Virginia to provide 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*)

HB 495 Secrecy of tax information; local officials to disclose information to non-governmental entities. Amends § 58.1-3 of the Code of Virginia to allow local officials who collect or administer taxes for a county, city, or town to disclose information to nongovernmental entities who have entered into a contract with that locality upon obtaining a written acknowledgement of confidentiality. (*Patron: Hodges*)

HB 763 Revenue Reserve Fund created. Amends § 2.2-1514 and adds 2.2-1831.1 - 2.2-1831.5 to create a Revenue Reserve Fund that can be accessed by either the General Assembly (while in session) or by the Governor (when the General Assembly is out of session) to meet a revenue shortfall in the budget of two percent or less of general fund resources collected. (*Patron: C Jones*)

HB 768/SB 896 Motor vehicle fuels; sales tax in certain regions of the Commonwealth. Amends §§ 58.1-2292, 58.1-2295, as it is currently effective, 58.1-2299, 58.1-2299.10, and 58.1-2299.14 of the Code of Virginia to establish a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The bill requires that the average distributor price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013, plus distributor charges. (*Patrons: Jones and Wagner*)

HB 828/SB 268 Personal property tax; computer equipment and peripherals used in data centers. Amends §§ 58.1-3503 and 58.1-3506 of the Code of Virginia by adding a separate classification for computer equipment and peripherals used in data centers when valuing equipment for personal property tax. The valuation must be by a means of percentage or percentage of original cost, or by other reasonable methods for determining fair market value. (*Patrons: Bagby and Dunnivant*)

HB 871 Real property tax; land use valuation. Amends §§ 58.1-3230, 58.1-3231, and 58.1-3234 of the Code of Virginia to expand the definition of real estate devoted to agricultural use and real estate devoted to horticultural use to be used in the special classification of real estate eligible for use value assessment. Definitions include property devoted to the production of goods made from plants, animals, fruits, vegetables, and nursery and floral products. In addition, the bill clarifies that such properties would not lose a designation due to its location in a newly created zoning district not requested by the property owner. The bill also provides that the minimum amount of time property to qualify for the agricultural and horticultural designation includes (i) use of similar property by a lessee and (ii) a shorter period of time for property with no prior qualifying use with a written statement of intent of use from the owner to the Commissioner of Agriculture and Consumer Services. Lastly, the bill extends the time an owner could be required to revalidate the special classification. (*Patron: Orrock*)

HB 894 Real property tax; exemption for single member limited liability company. Amends § 58.1-3651 of the Code of Virginia to clarify that the property tax exemption by designation or classification for real and/or personal property, owned by a nonprofit organization, includes property owned by a single member limited liability company whose sole member is a nonprofit organization. (*Patron: Webert*)

HB 993 Sales tax revenue allocation; increase amount allocated to discretionary spending for airports. Amends §§ 5.1-2.2:3 and 58.1-638 of the Code of Virginia to require the Virginia Aviation Board to allocate at its discretion certain funds to the Commonwealth Airport Fund for all eligible airports, except those owned or leased by the Metropolitan Washington Airports Authority, during the second half of each fiscal year. (*Patron: Byron*)

HB 1022/SB 314 Personal property tax; definition of agricultural products. Amends § 58.1-3505 of the Code of Virginia to clarify the definition of agricultural products for local personal property tax to include livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silviculture, or other farm crops. (*Patrons: Adams, L.R. and Ruff*)

HB 1390 Food and beverage tax; counties to enact ordinances providing that bonds shall be paid from revenue. Amends §§ 15.2-2607 and 58.1-3833 of the Code of Virginia to authorize counties to enact an ordinance or resolution providing that bonds shall be repaid from food and beverage tax revenues. The bill provides that if a county enacts such ordinance or resolution, the referendum submitted to the voters shall include as a single question the (i) purpose of the bond issuance, (ii) estimated maximum amount of proposed bonds, (iii) request of approval from voters of a county food and beverage tax, (iv) language currently required for such referendum, and (v) explanation that such bonds will be issued upon referendum approval. (*Patron: Aird*)

HB 1442 Real property tax; assessment of wetlands. Amends § 58.1-3284.3 of the Code of Virginia to clarify the assessment procedure for specially and separately assessing the fair market value of all wetlands on real property upon the request of a property owner. If the commissioner of the revenue or other assessing official disagrees with the property owner then the commissioner of the revenue shall 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*)

HB 1495 Real property tax; increases term of boards of equalization. Amends §§ 58.1-3370 and 58.1-3378 of the Code of Virginia to allow for an extension of the term for a board of equalization appointed by the circuit court. Provides that a taxpayer applies to the commissioner of the revenue for relief from a real property tax assessment prior to the expiration of the board, and the term of the board expire before a final determination has been made on the application. The taxpayer may advise the circuit court that he wishes to appeal the determination, and the court may reappoint the board for the appeal. (*Patron: Orrock*)

SB 228 Real estate taxes; clarifies when amount of taxes deferred pursuant to a local ordinance become due. Amends § 58.1-3216 of the Code of Virginia to provide definitions and rules to clarify when deferred real estate taxes are due. The accumulated amount of deferred taxes shall be paid: (i) upon the selling of the real estate, (ii) upon a nonqualified transfer of the real estate, or (iii) from the estate of the decedent within one year after the death of the last qualified owner. (*Patron: Howell*)

SB 902 Property tax; exemption for solar energy equipment and facilities. Amends § 58.1-3660 of the Code of Virginia to limit 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. The 150-megawatt cap applies only to projects for which an initial interconnection request form was filed on or after July 1, 2018. (*Patron: Lucas*)

SB 942 Sales and Use Tax; creates a state sales tax and use tax in the Historic Triangle. Amends §§ 58.1-611.1, 58.1-638, 58.1-3819, and 58.1-3823 of the Code of Virginia adds section 58.1-603.2 to establish an additional one-percent sales and use tax in the “Historic Triangle,” defined as the City of Williamsburg and the Counties of James City and York. Food purchased for human consumption would be subject to the new tax. (*Patron: Norment*)

HJ 6/SJ 76 Constitutional amendment (second resolution); real property tax; exemption for surviving spouse of a disabled veteran. Provide for a referendum at the Nov. 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. Companion ballot legislation ([HB 71/SB 900](#)) passed. *Note that this bill does not go into effect unless the referendum is approved in November (which is likely). The General Assembly can pass bills in the 2019 session to implement the bill, using*

either CY 2019 or CY 2020 as the first year in which the exemptions apply. (Patrons: Miyares and Stuart)

SJ 21 Constitutional amendment; real property tax exemption for flooding remediation, abatement, etc. Amends Section 6 of Article X of the Constitution of Virginia to provide 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. Companion ballot legislation to the second resolution, [SB 219](#), passed. *Note that this bill does not go into effect unless the referendum is approved in November. The General Assembly can pass bills in the 2019 session to implement the bill, using either CY 2019 or CY 2020 as the first year in which the exemptions apply. (Patron-Lewis)*

Failed Taxation & Finance

HB 256 Income tax, state, and property tax; exemption for substantial-capacity solar equipment. Amends § 58.1-3660 of the Code of Virginia and adds in Article 3 of Chapter 3 of Title 58.1 section 58.1-339.13 to provide an individual income tax credit for the cost of substantial-capacity solar equipment for which the taxpayer obtains certification. The amount of the credit would be limited to the lesser of (i) \$10,000, (ii) 10 percent of the total installed cost of the equipment, or (iii) the taxpayer's tax liability for the taxable year. The credit is subject to an annual cap of \$500,000 and only applies to equipment installed on or after January 1, 2018, but before January 1, 2023. This bill would also provide a mandatory local property tax exemption for such equipment. (Patron: Guzman)

HB 302 Counties, certain; granted powers of cities & towns. Amends §§ 15.2-204, 33.2-319, and 58.1-3840 of the Code of Virginia to grant counties with a population greater than 100,000 certain powers of cities and towns, including taxation, borrowing, and payments for highway maintenance. (Patron: Watts)

HB 786 Taxes, local; taxpayer's application to court to correct erroneous assessments. Amends § 58.1-3984 of the Code of Virginia to clarify the burden of proof standard in an appeal of an assessment of local real property taxes. In circuit court cases seeking relief from real property taxes, the burden of proof remains on the taxpayer to show that the property assessment was incorrect or invalid, but such taxpayer is not required to show that the assessment is a result of manifest error or disregard of controlling evidence. (Patron: Keam)

HB 787 Real property taxes; appeals to boards of equalization. Amends § 58.1-3379 of the Code of Virginia to clarify the burden of proof standard in an appeal of an assessment of local real property taxes brought before a board of equalization. It would add a provision that the taxpayer does not need to show that the assessment is a result of manifest error or disregard of controlling evidence. (Patron: Keam)

HB 966 Income tax, sales tax, etc.; refundable credit for certain local taxes. Amends §§ 58.1-320, 58.1-602, and other sections and adds § 58.1-439.12:13 to expand the Retail Sales and Use Tax base by imposing the tax on all services except for business-to-business, educational,

health care, and real estate services. The bill clarifies the Commonwealth's jurisdictional nexus to tax these services by requiring 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 exempts from the state sales tax food purchased for human consumption, beginning July 1, 2018. This bill would eliminate the lowest two individual income tax brackets, effective for taxable years beginning on and after January 1, 2019. As a result, there would be no Virginia individual income tax on income of \$5,000 or less. The bill would provide a refundable tax credit against the individual income tax, corporate income tax, and income tax imposed on estates and trusts in an amount equal to a business's aggregate tax liability for certain local taxes paid. These local taxes would include the machinery and tools tax, the merchants' capital tax, and most of the business, professional, and occupational license (BPOL) taxes. (*Patron: Davis*)

HB 1051 Communications sales and use tax; services subject to taxation. Amends §§ 58.1-647 and 58.1-648 of the Code of Virginia to repeal the Communications Sales and Use Tax exemption for prepaid calling services and expands the definition of "communications services" to include audio and visual streaming services. The tax would apply regardless of how the customer is billed for communications services. (*Patron: Watts*)

VETOED HB 1204 Real property tax; special and separate assessment of open space in certain counties. Amends the Code of Virginia by adding a section numbered 58.1-3284.4 to require that a commissioner of the revenue or other assessing official, at the request of a property owner, determine fair market value by specially and separately assessing any real estate devoted to open-space use, that contains at least 20 acres. Mandates that the actual physical use of the property would be the only determining factor of its value. This bill applies to any county with a population, according to the July 1, 2016 population estimates by the Weldon Cooper Center for Public Service at the University of Virginia that is at least 14 percent greater than its population according to the 2010 federal census. This bill would be effective for taxable years beginning on or after January 1, 2018. (*Patron: Hugo*)

HB 1338/SB 510 Cigarette tax; counties authorized to hold referendum. Amends §§ 58.1-3830 and 58.1-3831 of the Code of Virginia and to add section 58.1-3831.1 to authorize the board of supervisors of any locality to impose a tax on the sale or use of cigarettes, not to exceed five cents or the amount levied under state law, but only if approved in a referendum. The bill also mandates that once such referendum has been held in a county, no other referendum on the same question shall be held in the same county for a period of 23 months. (*Patrons: Campbell and Carrico*)

HB 1448 Land preservation; special assessment, agricultural use. Amends § 58.1-3230 of the Code of Virginia to provide 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*)

SB 200 Local government taxing authority; equalizes municipal and county taxing authority. Amends § 15.2-1200 of the Code of Virginia to equalize municipal 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. The bill directs the Joint Subcommittee on Local Government Fiscal Stress to review the and develop recommendation for future amendments, soliciting input from (i) urban and rural counties, (ii) counties with low, average, and high population densities, (iii) the Virginia Association of Counties, (iv) the Virginia Municipal League, and (v) any other relevant stakeholders. (*Patron: Favola*)

SB 115/SB 527 County food and beverage tax; increases maximum tax that any county is authorized to impose. Amends §§ 58.1-3833 and 58.1-3842 of the Code of Virginia to increase the maximum tax that any county is authorized to impose on food and beverages sold by a restaurant to eight percent. The bill also removes the requirement that a county hold a referendum before imposing a meals tax. (*Patrons: Locke and Mason*)

SB 822 Delinquent taxes; collection of amounts due locality. Amends §§ 58.1-3919.1 and 58.1-3934 of the Code of Virginia to expand the ability of treasurers in any county, city, or town to employ the services of private collection agents, by permitting the collection of "other charges" by such agents in addition to the collection of delinquent local taxes. The bill reduces to three months the period that certain taxes or other charges must be delinquent prior to collection by an attorney or attorneys, or by a sheriff or a delinquent local tax collector hired by the local governing body with the approval of the local treasurer. (*Patron: Edwards*)

Telecommunications and Utilities

HB 508/SB 429 Solar facilities; local regulation. Amends the Code of Virginia by adding a section numbered 15.2-2288.7, relating to the local regulation of solar facilities. The bill provides that a property owner may install a facility on the roof of a dwelling or other building for the electrical or thermal needs of that dwelling or building. The facility must comply with requirements of (i) height and setback in the zoning district where the property is located, and (ii) local historic or architectural preservation districts. Unless prohibited by ordinance, the same provisions apply to a ground-mounted solar energy generation facility. Such solar energy generation facilities existing as of January 1, 2018 shall be deemed as legal nonconforming use with certain exceptions. The bill has a delayed effective date of January 1, 2019 for such solar energy generation facilities. The bill also provides that localities can provide by-right authority for the installation of solar facilities in any zoning classification. (*Patrons: Hodges and Stanley*)

HB 509/SB 179 Comprehensive plan; solar facilities. Amends § 15.2-2232 Code of Virginia to require solar facilities, with comprehensive plans approved by the local planning commission, are deemed to be substantially in accordance with the plan if such proposed facility (i) is located in a zoning district that allows the facilities by right, and (ii) 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. All other solar facilities shall be reviewed for substantial accordance with comprehensive plans. A locality may allow for a substantial

accordance review for such facilities to be advertised and approved concurrently in a public hearing with a rezoning, special exception, or other approval process. (*Patrons: Hodges, Stanley*)

HB 640 Comprehensive plan, locality's; shall consider broadband infrastructure. Amends §§ 15.2-2223 and 15.2-2224 of the Code of Virginia to provide that local planning commissions shall consider strategies to provide broadband infrastructure sufficient to meet the current and future needs of residents and businesses in the locality. The local planning commission may consult with and receive technical assistance from the Center for Innovative Technology. (*Patron: Boysko*)

HB 922/SB 908 Electric vehicle charging stations; local and public operation. Amends §§ 56-1.2, 56-1.2:1, and 56-232.2:1 of the Code of Virginia and adds 10.1-104.01, 15.2-967.2, 23.1-1301.1, and 23.1-2908.1 to authorize a locality, to locate and operate a retail fee-based electric vehicle charging station on property owned by such entity. (*Patrons: Bulova and McClellan*)

HB 1258/ SB 405 Wireless communications infrastructure; zoning. Amends § 15.2-2316.3 of the Code of Virginia and adds sections 15.2-2316.4:1, 15.2-2316.4:2, and 15.2-2316.4:3 to establish parameters for zoning approval by localities for (i) certain new wireless support structures 50 feet in height or less and (ii) wireless facilities over 50 feet. Exempts 50 feet or less from the special use permit process and puts in place an administrative review, capping the application review cost to \$500. Prohibits localities from disapproving applications due to unreasonable discrimination and provides prescriptive items that cannot be considered in the review process. Requires wireless service providers operating within the Commonwealth or serving residents of the Commonwealth to report to DHCD from January 1, 2019 until January 1, 2025 detailing by county, city, or town, enhanced service capacity in previously served areas and expansion of services in unserved areas. It also directs the Secretary of Commerce and Trade and Public Safety and Homeland Security to convene a stakeholder group to develop a plan for expanding access to wireless services in unserved and underserved areas of the Commonwealth with a report due on December 15, 2108. (*Patron: Kilgore*)

HB 1427/SB 823 Wireless support structures; public rights-of-way use fees established. Amends the Code of Virginia by adding in Chapter 15.1 of Title 56 a section numbered 56-484.32 to establish fees for state wireless support structure public rights-of-way use fees by pole height. The annual fees and heights are the following: (i) \$1,000 for a structure below 50 feet, (ii) \$3,000 for a structure between 50 feet and 120 feet, (iii) \$5,000 for a structure above 120 feet, and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. Governor Northam offered amendments, which were accepted, that removed city- and town-owned public-rights-of-way from the measures, leaving the cap on fees for the use of state rights-of-way. (*Patrons: Kilgore and McDougle*)

SB 72 Electric distribution lines; minimum height upon or over agricultural land. Amends the Code of Virginia by adding in Article 4 of Chapter 10 of Title 56 section 56-256.1 to require 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 lines above road crossings. (*Patron: Cosgrove*)

Failed Telecommunications

HB 606 Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review. Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the Department's review process as is required under 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*)

HB 705/SB948 Broadband services; prohibited features. Amends the Code of Virginia by adding in Article 7 of Chapter 21 of Title 15.2 a section 15.2-2161 to prohibit broadband services providers from offering or renewing services to consumers within any locality in which certain media is throttled, blocked, or prioritized on the basis of content, format, host address, or source. (*Patron: Carter, Wexton*)

HB 1131 Zoning; wireless communications infrastructure. Repeals Article 7.2 (§§ 15.2-2316.3, 15.2-2316.4, and 15.2-2316.5) of Chapter 22 of Title 15.2 of the Code of Virginia related to creating a uniform procedure for locality approval of deploying small cell wireless on existing structures in public rights-of-way. (*Patron: Gooditis*)

HB 1283 Utility easements; pole attachments. Amends § 55-50.2 of the Code of Virginia to declare that a public service company that has acquired a prescriptive easement used to provide electrical service deemed to have the right to grant to a broadband or other telecommunications services provider the right to attach its wires and appurtenant facilities to public service company's poles, which will be subject to conditions that the company not charge pole attachment fees for five years and that the provider equally share the costs of pole modification. (*Patron: LaRock*)

SB 297 Communications companies; incentives, provision of wireless broadband services. Amends § 58.1-609.3 of the Code of Virginia and to amend the Code of Virginia by adding a section 3.2-3108.1 to direct the Tobacco Region Revitalization Commission to award at least \$10 million per year in grants to cover a portion of expenditures for the purchase of wireless and broadband equipment installation in rural areas in the regions of Southwest and Southside. The bill also establishes a sales tax exemption, phased over four years, for property sold or leased to a telecommunications company and used directly for public service. (*Patron: Edwards*)

SB 857 Public Rights-of-Way Use; fees used for high-speed Internet access in underserved areas. Amends § 56-468.1 of the Code of Virginia to expand high-speed Internet services to unserved areas by allocating a portion of Public Rights-of-Way Use fees collected by the Department of Transportation and certain localities. If less than 70 percent of homes in a county, city, or town have broadband access then that locality with an ordinance adopting the fee shall use at least 50 percent of the fees it receives for the expansion of broadband in those areas. The Department shall also allocate 50 percent of the fee it receives to counties with the same 70 percent threshold. (*Patron: Chafin*)

Transportation

HB 134/SB 125 Value engineering. Amends § 33.2-261 to raise 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. *(Patrons: J. Bell and Black)*

HB 765 Office of Intermodal Planning and Investment. Amends §§ 2.2-229, 15.2-2223, 33.2-201, 33.2-214, 33.2-223, 33.2-232, and 33.2-357 to expand the responsibilities of the Office of Intermodal Planning and Investment of the Secretary of Transportation; clarifies the residency requirements for the urban and rural at-large members of the Commonwealth Transportation Board; and stipulates that the Six-Year Improvement Program will only commit funding from the State of Good Repair Program, the High Priority Projects Program or the Construction District Grants Programs if the commitment is enough to complete the project or program. *(Patron: C. Jones)*

HB 1276/SB 504 VDOT; review of enrollment in federal pilot program or project. Authorizes 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. *(Patrons: Garrett and Carrico)*

HB 1523/SB 925 Signs or advertisements; location at certain truck stops. Amends § 33.2-1217 of the Code of Virginia to remove the requirement that signs visible from a highway advertising activity on the real property of its location be no more than 250 feet from the center of the advertised activity. *(Patrons: Ingram and Ruff)*

HB 1539/SB 856 Mass transit; makes numerous changes to administration of and revenues for transit. Amends numerous sections in Titles 33.2, 58.1, and Acts of Assembly relating to mass transit in the Commonwealth. 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. The bills 1) develop a prioritization process for the use of Commonwealth Mass Transit Funds; 2) establish a process to allocate Commonwealth Mass Transit Funds for WMATA and other transit systems for operating and capital purposes; 3) require transit agencies in urban areas to develop and submit strategic plans; 4) transfer \$20.0 million annually from the Northern Virginia Transportation District Fund to the newly created WMATA Capital Fund; 5) reform WMATA's budget process and provide oversight by the Northern Virginia Transportation Commission; and 6) set up a Commuter Rail Operating and Capital Fund to assist the Virginia Railway Express. The legislation also sets up a Transit Service Delivery Advisory Committee to advise the state on the prioritization process for deciding allocations from the Commonwealth Mass Transit Fund. The bills authorize VML and three other associations to appoint members to the Committee. *(Patrons: Hugo and Saslaw)*

SB 129 Subdivision ordinance; pro rata share of certain road improvements. Amends § 15.2-2242 of the Code of Virginia to add 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 to reimburse an initial subdivider or developer who has advanced such costs or constructed such improvements. (*Patron: Cosgrove*)

SB 622 Local transportation plan; secondary system road construction program allocation.

Amends § 15.2-2223 of the Code of Virginia to provide 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*)

SB 896 Regional gas taxes; price floor. Amends §§ [58.1-2292](#), [58.1-2295](#), [58.1-2299](#), [58.1-2299.10](#) and [58.1-2299.14](#) to set a “price floor” using the February 20, 2013, statewide average sales price for gasoline for calculating the two regional gas taxes authorized by the 2013 General Assembly session. This means if the current market price falls below the “price floor,” then the price floor will be used instead of the current market price. (*Patron: Wagner*)

Failed Transportation

HB 1070 Public-Private Transportation Act of 1995, etc.; affected local jurisdictions and public entities. Amends §§ 33.2-1803, 33.2-1805, 56-575.4, and 56-575.6 of the Code of Virginia to require 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. Such projects include an economic or revenue impact analysis identifying any potentially adverse impacts a potential comprehensive agreement may have on affected local jurisdictions. Affected jurisdictions would be given reasonable opportunity to consult with the parties concerning the nature and scope of the impact and regarding measures that may be taken to avoid or mitigate the impacts or make the agreement revenue-neutral. (*Patron: Heretick*)

HB 1406 Towing and recovery operators; costs for towing and storing stolen vehicles. Amends § 46.2-1209 of the Code of Virginia to create a mechanism for the recovery of stolen vehicle towing costs. The bill provides that a law-enforcement agency bears the costs of stolen vehicle towing recovery if a car owner retrieves his vehicle within five days. The law-enforcement agency must pay the full recovery cost to the towing company 30 days after receiving the payment request. The law-enforcement agency may then seek reimbursement from the state treasury for criminal charges. (*Patron: Pogge*)