

*Key Bills for
Planners:
Virginia General Assembly
2014 Session*



American Planning Association
Virginia Chapter

Making Great Communities Happen

APRIL 14, 2014



INTRODUCTION

The following report lists key bills passed by the 2014 General Assembly. The current status of the bill is shown after the bill summary. If the status says "Approved by the Governor-Chapter xx (effective mm/dd/yy)" then the bill has completed the process and takes effect on the date listed – generally July 1, 2014. If the status says "Governor's Amendments Received by the House/Senate" then the bill has been returned to either the House or the Senate in the form as amended by the Governor. Joint Resolutions do not go to the Governor and are approved once the Speaker of the House and President of the Senate have signed them. Some of these provisions will require a change in local codes and ordinances while others are applicable upon their effective date without action by localities. Much depends upon the structure of local codes so local government attorneys should be consulted early and often in this process. The bill numbers are hyperlinked to the bill text on the General Assembly website. These are listed by bill number; however chapter numbers in Acts of Assembly bear no relationship to the bill numbers.

This report is produced as a direct service to the members of the Virginia Chapter of the American Planning Association and paid for by the members' dues.



American Planning Association
Virginia Chapter

Making Great Communities Happen

Our Mission:

The mission of APA Virginia is to promote planning as the foundation for effectively addressing the physical, economic, and social changes taking place in Virginia. The Chapter is committed to promote awareness about planning's many benefits, through effective leadership in order to enhance our practice throughout the Commonwealth.

Who We Are:

APA Virginia is over 1,500 practicing professionals from the public and private sector, as well as academics and students. The American Planning Association (APA) is a nonprofit public interest and research organization committed to urban, suburban, regional, and rural planning. APA and its professional institute, the American Institute of Certified Planners (AICP), advance the art and science of planning to meet the needs of people and society.

Making Great Communities Happen:

APA Virginia will support state-level planning policies that make Virginia and its communities the best place to live, work and play. Sound planning offers a key to making Virginia the best place it can be for all Virginians. Every region requires planning that promotes good jobs in livable communities. Faster growing regions have the added need for planning that recognizes pressures that are unprecedented in Virginia's history. Good planning actively involves the people of a community in the process; it combines their input on what is "valuable" for a good community with the technical facts brought by professionals and scientists. Sound planning includes an understanding of the differences between technical and value judgments and blends both appropriately to recommend a direction that moves a community toward the best place it can be for its citizens.

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Energy and Environment

Energy Efficiency

[HB 614](#) Landlord and tenant law; energy submetering, local government fees.

Chief patron: Miller

Provides that in lieu of increasing the rent, the owner, manager, or operator of a commercial or residential building or campground may employ a program that utilizes a mathematical formula for allocating the actual or anticipated local government fees billed to the building or campground owner among the tenants in such building or campground. Such owner, manager, or operator of a commercial or residential building or campground may also charge and collect from each tenant additional service charges, including monthly billing fees, account set-up fees, or account move-out fees, to cover the actual costs of administrative expenses for administration of such a program. If the building is residential and is subject to the Virginia Residential Landlord and Tenant Act, such local government fees and administrative expenses shall be deemed to be rent. The bill defines the term "local government fees" as any local government charges or fees assessed against a commercial or residential building or campground for stormwater, recycling, trash collection, elevator testing, fire or life safety testing, or residential rental inspection programs.

Approved by Governor-Chapter 501 (effective 7/1/14)

[HB 796](#) Virginia Energy Plan; postpones due date for quadrennial updates.

Chief patron: Lopez

Postpones the due date for quadrennial updates to the Virginia Energy Plan from July 1 to October 1. This bill is identical to [SB 514](#) (*Wagner*).

Approved by Governor-Chapter 419 (effective 7/1/14)

[HB 822](#) Electric utility regulation; renewable energy portfolio standard program.

Chief patron: Lopez

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

Approved by Governor-Chapter 420 (effective 7/1/14)

HB 848 Electric utility regulation; recovery of costs of new underground distribution facilities.

Chief patron: Loupassi

Authorizes investor-owned electric utilities to recover the costs of new underground distribution facilities through a rate adjustment clause. Eligible facilities will replace existing overhead distribution facilities of 69 kilovolts or less. Petitions seeking approval for recovery of such costs shall not be brought more frequently than annually. A utility shall not seek any annual incremental increase in the level of investments in such facilities that exceeds five percent of the utility's distribution rate base. In determining whether to approve a rate adjustment clause for such facilities, the State Corporation Commission is directed to liberally construe the provisions of Title 56 and to give due consideration to the public policy goals of increased electric service reliability and reduced outage times associated with the replacement of existing overhead distribution facilities with new underground facilities. None of the costs of such new facilities shall be allocated to customers in the large power service rate class for a Phase I utility or general service rate classes for a Phase II utility.

Approved by Governor-Chapter 212 (effective 7/1/14)

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

Chief patron: Yancey

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

Approved by Governor-Chapter 732 (effective 7/1/14)

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

Chief patron: Hugo

Exempts from real and personal property tax business-owned or business-operated solar energy equipment, facilities, or devices that collect, generate, transfer, or store thermal or electric energy. This bill is identical to [SB 418](#) (*Hanger*).

Approved by Governor-Chapter 737 (effective 1/1/15)

HB 1261 Carbon dioxide; regulating emissions.

Chief patron: Chafin

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

Approved by Governor-Chapter 603 (effective 7/1/14)

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

Chief patron: Reeves

Establishes the Virginia Offshore Energy Emergency Response Fund and directs to it the first \$50 million in royalties received by the Commonwealth as the result of offshore natural gas and oil drilling and exploration. Additional revenues and royalties will be applied to maintain the

Fund at \$50 million if moneys are withdrawn from the Fund. After the Fund reaches \$50 million, excess revenues and royalties will be transferred to the general fund annually.

Approved by Governor-Chapter 293 (effective 7/1/14)

SB 47 Southern States Energy Board; change in membership, alternate appointments.

Chief patron: Watkins

Authorizes each Virginia legislative member of the Board to designate an alternate. The bill also contains technical amendments.

Approved by Governor-Chapter 516 (effective 7/1/14)

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

Chief patron: Petersen

Clarifies a community association's authority to prohibit or restrict the installation of solar power devices. The provision that bars a community association from prohibiting a property owner from installing or using a solar energy collection device on his property will not apply if the community association's recorded declaration establishes such a prohibition.

Approved by Governor-Chapter 525 (effective 7/1/14)

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

Chief patron: McEachin

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

Approved by Governor-Chapter 465 (effective 7/1/14)

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

Chief patron: McEachin

Limits the portion of the costs incurred by an electric utility between July 1, 2007, and December 31, 2013, in developing an offshore wind facility that are recoverable through a rate adjustment clause to 30 percent of such amount. The remaining 70 percent of such costs may be recovered

through existing base rates as determined by the SCC in the test periods under review in the utility's next biennial review filed after July 1, 2014. All of the costs incurred after December 31, 2013, may be deferred for recovery through a rate adjustment clause as may be approved by the SCC. The measure also states that the planning and development activities for new generation facilities utilizing energy derived from offshore wind are in the public interest.

Approved by Governor-Chapter 550 (effective 7/1/14)

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

Chief patron: Norment

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

The Department of Mines, Minerals and Energy would administer the grant program. The Department would be authorized, subject to appropriation, to award up to \$10 million in renewable energy property grants for fiscal year 2016.

Approved by Governor-Chapter 725 (effective - see bill)

Water Resources & Environment

HB 131 Chesapeake Bay; voluntary tax contributions for restoration, report.

Chief patron: Lingamfelter

Requires the Secretary of Natural Resources to submit a report to the committees of oversight and the Virginia delegation to the Chesapeake Bay Commission by November 1 of each year describing how the moneys from the voluntary income tax check-off for Chesapeake Bay restoration activities were expended. The bill requires the report to be posted on a website maintained by the Secretary of Natural Resources, along with a cumulative listing of previous grants, beginning with awards granted on or after July 1, 2014. This bill is identical to [SB141 \(Barker\)](#).

Approved by Governor-Chapter 18 (effective 7/1/14)

HB 445 Administrative Process Act; standard procedures for adoption of waste load allocations.

Chief patron: Bulova

Establishes minimum procedural requirements for the adoption of all waste load allocations, including public notice, public comment opportunity, a stakeholders advisory group process, agency response to comments, and a public meeting. Historically, waste load allocations were established under various procedures on a case-by-case basis. The bill requires that a comprehensive listing of all total maximum daily load waste load allocations adopted or approved by the State Water Control Board prior to July 1, 2014, be set forth in the Water Quality Management Planning Regulation (9VAC25-720). The bill also provides that any amendment prior to July 1, 2025, of the Water Quality Management Planning Regulation waste load allocations for nitrogen or phosphorus related to chlorophyll-a water quality criteria for multiple James River basin facilities shall be undertaken in accordance with the Administrative Process Act.

Approved by Governor-Chapter 202 (effective 7/1/14)

HB 654 Wetland and stream mitigation banks; hydrologic unit boundaries.

Chief patron: Scott

Allows the use of a hydrologic unit system or dataset other than the National Watershed Boundary Dataset and allows the adjustment of the hydrologic unit boundaries of such dataset based on the availability of more accurate information.

Approved by Governor-Chapter 332 (effective 7/1/14)

HB 674 Water supplies and waterworks; defines human consumption.

Chief patron: Poindexter

Defines "human consumption" as used in the context of water supplies and waterworks.

Approved by Governor-Chapter 333 (effective 7/1/14)

HB 856 Hazardous waste; removes requirement that permit is required from DEQ to transport.

Chief patron: Fariss

Removes the requirement that a permit is required from the Department of Environmental Quality to transport hazardous waste. The federal government currently regulates the transporting of hazardous waste.

Governor: Approved by Governor-Chapter 139 (effective 7/1/14)

HB 968 Brownfield properties; changes definition of bona fide prospective purchaser.

Chief patron: James

Changes the definition of the "bona fide prospective purchaser" of brownfield property to include not only the person who acquires or proposes to acquire ownership of a brownfield property but also the tenant of such person. The bill conforms Virginia's definition with the federal definition.

Approved by Governor-Chapter 144 (effective 7/1/14)

HB 1006 Probable Maximum Precipitation (PMP); DCR to utilize storm-based approach in order to derive PMP.

Chief patron: Byron

Directs the Department of Conservation and Recreation to utilize a storm-based approach to calculate the Probable Maximum Precipitation (PMP) for various locations in or affecting Virginia. The methodology for a storm-based approach shall be completed by December 1, 2015. Owners of impounding structures with inadequate spillway designs who maintain coverage under the conditional certificate are not required to rehabilitate the spillway until the PMP analysis is completed and reviewed by the Virginia Soil and Water Conservation Board. The bill requires the Board to consider the results of the PMP analysis in its decision of whether to authorize replacement of the current PMP values. The Department of Conservation and Recreation is authorized to expend up to \$500,000 in obligated balances from two agency funds to finance the analysis. The bill contains an emergency clause. This bill is identical to [SB 582](#) (*Garrett*).

EMERGENCY

Approved by Governor-Chapter 475 (effective 4/1/14)

HB 1034 Dams, certain; liability of owners.

Chief patron: Orrock

Protects owners of land upon which dams that are owned, maintained, or operated by soil and water conservation districts are situated from liability for damages to the property of others or the injury to persons resulting from the failure of the dam. However, this protection is not afforded to the landowner if the damage to others is a result of an act or omission by the landowner that is unrelated to ownership, maintenance, or operation of the dam. This bill is identical to [SB 466](#) (*Watkins*).

Approved by Governor-Chapter 146 (effective 7/1/14)

HB 1067 Animal shelters; definitions.

Chief patron: Orrock

Substitutes the terms "private animal shelter" for "animal shelter" and "public animal shelter" for "pound." The bill also amends the definitions of "foster care provider," "foster home," and "home-based rescue."

Approved by Governor-Chapter 148 (effective 7/1/14)

HB 1173 Stormwater management programs; State Water Control Board to establish procedures and regulations.

Chief patron: Hodges

Requires the Department of Environmental Quality to establish a Virginia Stormwater Management Program (VSMP) for any locality that neither opts to establish its own program nor operates a municipal separate storm sewer system (MS4). The bill defers the VSMP requirement for six months for certain recent MS4 localities. The bill alters the permitting appeals process and allows for an agreement in lieu of a stormwater management plan, and it directs the State Water Control Board to adopt regulations relating to the issuance of permits for parcels in subdivisions, the registration of single-family residences, and the reciprocity given by Virginia for proprietary Best Management Practices established elsewhere. The bill exempts single-family residences from payment of the Department's portion of the fee for the state general permit. Finally, the bill provides that the consolidation of state post-construction requirements into Virginia's General Permit shall not modify the scope of enforcement of the federal Clean Water Act and exempts from most requirements of the Administrative Process Act those regulations of the State Water Control Board that will be necessary to implement the act. This bill incorporates HB 58, HB 649, and HB 261 and contains an emergency clause. This bill is identical to [SB 423](#) (*Hanger*).

EMERGENCY

Approved by Governor-Chapter 598 (effective 4/4/14)

HJ 16 Recurrent flooding; joint subcommittee established to formulate recommendations to address.

Chief patron: Stolle

Establishes an 11-member joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding. The joint subcommittee is charged with recommending short- and long-term strategies for minimizing the impact of recurrent flooding. The joint subcommittee must submit its report to the Governor and the 2016 Regular Session of the General Assembly. This bill is identical

to [SJR 3](#) (Locke).

Passed

[SB 431](#) Voluntary Remediation Program; removes cap on registration fees.

Chief patron: Watkins

Removes the \$5,000 cap on registration fees collected by the Department of Environmental Quality from persons conducting voluntary remediation on contaminated properties. The fees defray the costs of administering the voluntary remediation program. The bill also exempts the Virginia Waste Management Board from the regulatory requirements of the Administrative Process Act (APA) so that new regulations needed to adjust the fee schedule will be in place by July 1, 2014. The bill requires any subsequent adjustment to the fee schedule to be in compliance with the APA.

Approved by Governor-Chapter 366 (effective 7/1/14)

[SJ 35](#) Selenium; Department of Environmental Quality to review toxicity to aquatic life.

Chief patron: Carrico

Requests the Department of Environmental Quality to study the toxicity of selenium to aquatic life.

Passed

[SJ 61](#) Geomagnetic disturbances & electromagnetic pulses; joint commission to study preventing damages.

Chief patron: Reeves

Directs the Joint Commission on Technology and Science (JCOTS) to study the nature and magnitude of potential threats caused by geomagnetic disturbances and electromagnetic pulses, examine the Commonwealth's vulnerabilities to such threats, and recommend strategies to protect the Commonwealth's infrastructure from geomagnetic disturbances and electromagnetic pulses. The resolution requests that JCOTS report its findings and recommendations no later than the first day of the 2015 Regular Session.

Passed

Housing and Building Codes

Building Codes

[HB 208](#) Vested rights; amends existing statute.

Chief patron: Marshall, D.W.

Amends the existing vested rights statute by clarifying that structures that meet certain conditions shall be considered nonconforming. Additional changes make clear that a requirement under existing law to bring certain structures into compliance with the Uniform Statewide Building Code shall not affect the nonconforming status of those structures.

Approved by Governor-Chapter 648 (effective 7/1/14)

[SB 31](#) Methamphetamine cleanup; certification that methamphetamine level is at/below post cleanup target.

Chief patron: Stanley

Requires the Board of Health, in consultation with the Department of Environmental Quality and other entities, to establish a program certifying that a building that was previously a methamphetamine manufacturing site is at or below the post cleanup target. Current law requires the convicted person to pay cleanup costs.

Approved by Governor-Chapter 513 (effective 7/1/14)

Housing

[HB 225](#) Richmond, City of; reassessment of real estate and equalization.

Chief patron: McQuinn

Allows the City of Richmond by ordinance to provide for a board of equalization or a permanent board of equalization instead of a board of review.

Approved by Governor-Chapter 61 (effective 7/1/14)

HB 251 Real Estate Board; death or disability of a broker.

Chief patron: Surovell

Requires the Real Estate Board to grant approval to certain persons in a specific order of priority as may be designated by a broker in the event of his disability or death to conclude the business of the broker. Under current law, the Board may grant approval to the estate or an adult family member or employee of the licensed broker. The bill also requires the Real Estate Board to inform licensed brokers, in a manner deemed appropriate by the Board, of the broker's ability to designate an agent in the event of the broker's death or disability. This bill is a recommendation of the Virginia Housing Commission.

Approved by Governor-Chapter 24 (effective 7/1/14)

HB 259 Real estate licensees; signing of pleadings, motions, and other papers.

Chief patron: Miller

Provides that an allegation that a real estate licensee has engaged in untrue, deceptive, or misleading advertising shall be stated with particularity. This bill is identical to [SB 302 \(McDougle\)](#).

Approved by Governor-Chapter 650 (effective 7/1/14)

HB 273 Virginia Residential Landlord and Tenant Act; changes applicability, security deposits.

Chief patron: Loupassi

Changes the applicability of the Virginia Residential Landlord Tenant Act from the ownership of no more than 10 single-family residences to ownership of no more than two single-family residences and makes the application uniform across the state. The bill also authorizes a landlord to expedite the disposition of security deposits under certain circumstances and sets the interest rate (0.00%) on security deposits for 2014. The bill repeals the requirement for a landlord to accrue interest on security deposits, effective January 1, 2015.

Approved by Governor-Chapter 651 (effective - see bill)

HB 312 Civil action; rescission of deed, etc., court may award to plaintiff reasonable attorney fees, etc.

Chief patron: Toscano

Provides that in any civil action to rescind a deed, contract, or other instrument, the plaintiff may be awarded reasonable attorney fees and costs associated with bringing such action where the

court finds, by clear and convincing evidence, that the instrument was obtained by fraud or undue influence on the part of the defendant.

Approved by Governor-Chapter 164 (effective 7/1/14)

HB 331 First-time home buyer savings plans; established.

Chief patron: Greason

Establishes first-time home buyer savings accounts that are to be used for saving funds for the purchase of homes by first-time home buyers. Moneys in the account are required to be used solely for the down payment and closing costs for the purchase of a home by a first-time home buyer. The bill establishes an individual income tax subtraction for income earned on contributions to the account. However, if moneys are withdrawn from the account for purposes other than to pay eligible costs, any income previously subtracted would be subject to recapture by the Commonwealth and a five percent penalty would be imposed. There would be no recapture and addition to taxable income if the amounts withdrawn were (i) withdrawn because of the death or disability of the account beneficiary, (ii) a disbursement of assets pursuant to a filing for protection under federal bankruptcy laws, or (iii) transferred to another first-time home buyer savings account.

The bill limits the amount of principal that can be contributed to any account to \$50,000 and limits the total amount that can be retained in an account at any time to \$150,000. Persons would be allowed to contribute only cash or marketable securities to a first-time home buyer savings account.

This is a Virginia Housing Commission bill.

Approved by Governor-Chapter 729 (effective 7/1/14)

HB 530 Condominium and Property Owners' Association Acts; compliance with declaration.

Chief patron: Pogge

Clarifies that an action against the association for noncompliance with all lawful provisions of the Condominium and Property Owners' Association Acts and all provisions of the declaration is not precluded.

Approved by Governor-Chapter 569 (effective 7/1/14)

HB 550 Condominium & Property Owners' Association Acts; notice for requests to examine association records.

Chief patron: Filler-Corn

Provides that, notwithstanding any provision of law to the contrary, the right of examination of association books and records may be exercised upon five business days' written notice for a professionally managed association and 10 business days' written notice for a self-managed association, which notice reasonably identifies the purpose for the request and the specific books and records of the association requested.

Approved by Governor-Chapter 207 (effective 7/1/14)

HB 566 Condominium and Property Owners' Association Acts; assessment of late fee not paid within 60 days.

Chief patron: Watts

Clarifies the amount of late fees that may be assessed against an owner for nonpayment of assessments.

Approved by Governor-Chapter 239 (effective 7/1/14)

HB 791 Condominium and Property Owners' Association Acts; adoption and rule enforcement, appeals.

Chief patron: LeMunyon

Gives associations the right, except to the extent the governing documents expressly provide otherwise, to (i) suspend a unit owner's right to use facilities or services, including utility services, provided directly through the unit owners' association for nonpayment of assessments which are more than 60 days past due, to the extent that access to the unit through the common elements is not precluded and provided that such suspension shall not endanger the health, safety, or property of any unit owner, tenant, or occupant; (ii) assess charges against any unit owner for any violation of the condominium instruments or of the rules or regulations promulgated pursuant thereto for which such unit owner or his family members, tenants, guests or other invitees are responsible; and (iii) file legal action in general district or circuit court to seek an order to require that any violation of the condominium instruments or rules duly adopted pursuant thereto be corrected. The bill provides that the powers authorized in the bill or by the governing documents shall be exercised by an association in good faith and not exercised frivolously, vexatiously, or primarily for purposes of harassment of the owner. The bill further provides that before any action authorized in the bill or in the governing documents is taken and after written notice of the alleged violation to the unit owner at the address required for notices of meetings, the owner shall be given a reasonable opportunity to correct the alleged violation. If the violation remains uncorrected, the owner shall be given further notice and an opportunity to be heard and to be represented by counsel before the board or such other tribunal as the

governing documents or rules duly adopted pursuant thereto specify.

Governor's substitute printed 14105713D-H3 on 4/6/14

HB 899 Condominium Act; purchaser's right of cancellation.

Chief patron: Peace

Reduces a purchaser's right of cancellation from 10 to five calendar days from the contract date of the disposition or delivery of the current public offering statement, whichever is later. The bill also requires the purchaser's right to cancel the purchase contract to be set forth on the first page of the purchase contract in boldface print of not less than 12 point type.

Approved by Governor-Chapter 215 (effective 7/1/14)

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

Chief patron: Peace

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

Approved by Governor-Chapter 216 (effective 7/1/14)

HB 954 Mortgage loan originators; SCC authorized to issue transitional license.

Chief patron: Hugo

Authorizes the State Corporation Commission (SCC) to issue transitional mortgage loan originator licenses. Such a license allows an individual to engage in business as a mortgage loan originator for a period of no more than 120 days, during which time the individual may fulfill pre-licensing education and written test requirements and apply for a mortgage loan originator license. The SCC may issue a transitional mortgage loan originator license to an individual who is licensed to originate mortgage loans under the laws of another state or, to the extent permitted under the federal Secure and Fair Enforcement for Mortgage Licensing Act, to an individual who was a registered mortgage loan originator within two months prior to the date that the individual applied for a transitional mortgage loan originator license. An individual applying for a transitional mortgage loan originator license is not required to comply with prelicensing education requirements or pass a written test requirement. In addition, the Commission shall not issue a transitional mortgage loan originator license unless it (i) finds that the applicant has never

had a mortgage loan originator license revoked by any governmental authority, has not been convicted of, or pled guilty or nolo contendere to, certain felonies, and has become registered through, and obtained a unique identifier from, the Nationwide Mortgage Licensing System and Registry and (ii) finds that the applicant is employed by a person licensed by the SCC as a mortgage lender or mortgage broker. This bill is identical to [SB 118](#) (*Watkins*).

Approved by Governor-Chapter 343 (effective 7/1/14)

[HB 990](#) Relocation Assistance & Real Property Acquisition Policies; replacement housing for homeowners, etc.

Chief patron: Fowler

Provides that relocation assistance and real property acquisition policies of the Commonwealth apply in the case of transportation projects funded in whole or in part with state or federal funds unless compliance would jeopardize the receipt and expenditure of all or a portion of federal funds that would otherwise be available for transportation projects.

The bill also raises the authorized payment to a displaced homeowner from \$22,500 to \$31,000 and reduces from 180 to 90 the number of days that may pass between displacement and negotiations for the acquisition of property before such payment is authorized. The bill also increases from \$5,250 to \$7,200 the maximum payment permitted to a person leasing or renting a comparable replacement dwelling for a period of 42 months. The provisions of the bill relating to such payments and time period have a delayed effective date of October 1, 2014.

Approved by Governor-Chapter 218 (effective 7/1/14)

[SB 68](#) Real estate; delinquent taxes.

Chief patron: Marsh

Changes, under certain circumstances, the criteria for transferring certain tax-delinquent real property to localities through a special commissioner in the Cities of Norfolk, Richmond, Hopewell, Newport News, Petersburg, Lynchburg, and Hampton by reducing the percentage of taxes and liens from exceeding 35 percent to 20 percent and of taxes alone from 15 percent to 10 percent, respectively, and including parcels with an assessed value of \$100,000 or less. The reduced criteria apply only if the locality enters into an agreement to sell the property to a nonprofit entity to renovate or construct housing to be sold to a low-income person.

Approved by Governor-Chapter 519 (effective 7/1/14)

SB 116 Deeds, deeds of trust, and mortgages; correcting errors, affidavit.

Chief patron: Watkins

Allows an attorney to record a corrective affidavit to correct an obvious description error contained in a recorded deed, deed of trust, or mortgage. Obvious description errors include (i) errors transcribing courses and distances, (ii) errors incorporating a recorded plat or deed reference, (iii) errors in listing a lot number or designation, and (iv) omitted exhibits that supply the legal description of the property. Before a corrective affidavit may be recorded, all parties to the deed, deed of trust, or mortgage, including the current property owner; the attorney who prepared the deed, deed of trust, or mortgage; and the title insurance company must be provided with a copy of the affidavit, and such parties have 30 days to object in writing to the recordation of the corrective affidavit.

Approved by Governor-Chapter 523 (effective 7/1/14)

SB 241 Development rights; required to comply with any locality-adopted neighborhood design standards.

Chief patron: Stuart

Provides that a locality may require that development comply with any prior locality-adopted neighborhood design standards identified in the comprehensive plan for the receiving area in which the development shall occur.

Approved by Governor-Chapter 527 (effective 7/1/14)

SB 490 Carbon monoxide alarms; required installation by landlord in rental dwelling units, cost to tenant.

Chief patron: Norment

Amends the Virginia Residential Landlord and Tenant Act to require a landlord to install carbon monoxide alarms upon the written request of a tenant. The bill also provides that the landlord may charge a reasonable fee for the installation of the alarms and that the installation must be in compliance with the Uniform Statewide Building Code.

Approved by Governor-Chapter 632 (effective 7/1/14)

Administration of Local Government

FOIA

[HB 193](#) FOIA; participation in meetings by electronic communication in event of emergency, etc.

Chief patron: Minchew

Removes the requirement that a public body approve by a majority vote of the members present at a meeting the remote participation in the meeting by one of its members. The bill instead requires the public body to have adopted a written policy allowing for and governing participation of its members by electronic communication means. Once adopted, the public body shall apply this policy strictly and uniformly, without exception, to its entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. This bill is identical to [SB 161](#) (*Favola*).

Approved by Governor-Chapter 492 (effective 7/1/14)

[HB 219](#) Virginia Freedom of Information Act; record exemption for certain letters of recommendation.

Chief patron: Albo

Adds a record exemption for educational institutions for confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting an application for promotion.

Approved by Governor-Chapter 313 (effective 7/1/14)

[HB 380](#) Virginia Freedom of Information Act; disclosure pursuant to court order or subpoena.

Chief patron: Surovell

Provides that nothing in FOIA shall have any bearing upon disclosures required to be made pursuant to any court order or subpoena, nor shall any discretionary exemption from mandatory disclosure be construed to make records covered by such discretionary exemption privileged under the rules of discovery, unless disclosure is otherwise prohibited by law.

Approved by Governor-Chapter 319 (effective 7/1/14)

HB 837 Virginia Freedom of Information Act; state agencies to post notice of allowable charges.

Chief patron: Keam

Requires state agencies in the executive branch to post on their respective public government websites the following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia."

Approved by Governor-Chapter 421 (effective 7/1/14)

HB 1053 State Inspector General, Office of; powers and duties.

Chief patron: Miller

Provides that the performance review of a state agency, nonstate agency or an independent contractor of a state agency conducted by the Office of the Inspector General include assessment of the effectiveness, efficiency, or economy of the agency's programs. The bill gives the State Inspector General the discretion to refer certain complaints to the internal audit department of public institutions of higher education. The bill provides that the State Inspector General may provide assistance for investigations as may be requested by the public institution of higher education. In addition, the bill exempts from mandatory disclosure under the Virginia Freedom of Information Act the investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by law that are provided to or produced by or for internal auditors appointed by the head of a state agency or the board of visitors of a public institution of higher education. The bill contains technical amendments. HB 287 is incorporated into this bill.

Governor's recommendation received by House on 4/7/14

SB 78 FOIA; record exemption for administrative investigations by higher educational institutions.

Chief patron: Ruff

Exempts from FOIA administrative investigations conducted by a public institution of higher education relating to individual employment discrimination complaints or audits/investigations of any officer, department, or program at such institutions.

Approved by Governor-Chapter 609 (effective 7/1/14)

Local Authority

HB 54 Livestock or poultry; compensation owner is entitled to receive for those killed or injured by dogs.

Chief patron: Hodges

Establishes a \$750 cap on the fair market value that the owner of livestock that has been killed or injured by dogs or hybrid canines is entitled to receive as compensation, provided certain procedures are followed. Currently, such compensation cannot exceed \$400 per animal. This bill is identical to [SB 432](#) (*McDougle*).

Approved by Governor-Chapter 116 (effective 7/1/14)

HB 62 Disposal of solid waste fees; Southampton County.

Chief patron: Tyler

Allows Southampton County to levy fees for the disposal of solid waste at a county collection or disposal facility not to exceed the actual cost incurred by the county in removing and disposing of solid waste. The bill adds Southampton County to the list of counties permitted to use fees to purchase equipment; grants Southampton County the same authority that Accomack, Highland, Pittsylvania, and Wise Counties have regarding such fees; and allows Southampton County to exempt certain disabled veterans from such fees. The bill also makes technical changes.

Approved by Governor-Chapter 727 (effective 7/1/14)

HB 118 Virginia Regional Industrial Facilities Act; appointments.

Chief patron: Habeeb

Removes the requirement that persons appointed shall be residents of the appointing locality.

Approved by Governor-Chapter 728 (effective 7/1/14)

HB 138 Magistrates; authorized to exercise powers regarding search warrants throughout Commonwealth.

Chief patron: Pogge

Authorizes magistrates and district court judges to exercise powers regarding search warrants throughout the Commonwealth. This bill is identical to [SB 485](#) (*Norment*).

Approved by Governor-Chapter 310 (effective 7/1/14)

HB 143 Courthouse; posting of notices, website.

Chief patron: Minchew

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

Approved by Governor-Chapter 269 (effective 7/1/14)

HB 149 Real property tax; board of equalization.

Chief patron: Minchew

Provides that an alternate member be appointed to a board of equalization if a regular member applies to the board for relief.

Governor: Approved by Governor-Chapter 19 (effective 7/1/14)

HB 177 Cutting of grass; statewide application.

Chief patron: Farrell

Makes current grass-cutting provisions applicable statewide for all localities.

Approved by Governor-Chapter 385 (effective 7/1/14)

HB 255 Photo-monitoring; systems to enforce traffic light signals.

Chief patron: Lingamfelter

Requires that all "photo-red" systems have yellow light signal lengths of at least three seconds.

Approved by Governor-Chapter 163 (effective 7/1/14)

HB 262 Local boards; appointment of members of boards of supervisors.

Chief patron: Scott

Provides that in cases in which a member of a local board of social services is also a member of the board of supervisors of a county represented by the local board, he shall serve on the local board at the pleasure of the board of supervisors of which he is a member or until such time as he ceases to be a member of the board of supervisors. This bill is identical to [SB 316](#) (*Vogel*).

Approved by Governor-Chapter 121 (effective 7/1/14)

HB 264 Social services, local boards of; authority to employ in-house counsel.

Chief patron: Bell, Richard P.

Authorizes local boards of social services to employ in-house counsel to provide general legal advice and representation related to specific actions.

Approved by Governor-Chapter 122 (effective 7/1/14)

HB 275 Electoral boards, local; meetings, proceedings, and records.

Chief patron: Krupicka

Provides that the general registrar shall determine a reasonable charge, not to exceed the statutory amount set for copies of court records, for copies made of local electoral board books, papers, and records.

Approved by Governor-Chapter 395 (effective 7/1/14)

HB 451 Elections; elected and certain appointed officers, removal from office.

Chief patron: Bell, Robert B.

Adds sexual battery, attempted sexual battery, consensual intercourse with a child 15 years of age or older, indecent exposure, and peeping to the list of offenses for which a circuit court, upon petition, may remove from office an elected officer or officer appointed to fill an elective office. This bill incorporates HB 408.

Approved by Governor-Chapter 566 (effective 7/1/14)

HB 494 Localities; personnel policies related to use of public property.

Chief patron: Lingamfelter

Requires all localities to establish personnel policies covering the use of public property by officers and employees of the locality. Among other things, the personnel policies shall address the use of telephones, computers, and related devices and peripheral equipment that are the property of the locality for (i) personal use, to the extent that such use interferes with the employees' productivity or work performance, or (ii) political activities.

Approved by Governor-Chapter 405 (effective 7/1/14)

HB 499 Real property tax; nonjudicial sale of certain delinquent property.

Chief patron: Yost

Reduces the number of years of delinquency in payment of taxes from five years to three years before a locality may sell real property that (i) measures less than 4,000 square feet or (ii) is determined to be unsuitable for building.

Approved by Governor-Chapter 28 (effective 7/1/14)

HB 628 Hospital authorities; counties shall have same powers with regard to authority.

Chief patron: Kilgore

Provides that counties shall have the same powers with regard to the existing hospital authority enabling statute as cities.

EMERGENCY

Approved by Governor-Chapter 502 (effective 4/3/14)

HB 668 Independent living services; individuals between 18 and 21 years of age.

Chief patron: Brink

Requires local departments of social services and child-placing agencies to provide independent living services to any person between 18 and 21 years of age who is transitioning from a commitment to the Department of Juvenile Justice to self-sufficiency when such individual was in the custody of the local department of social services immediately prior to his commitment, provides written notice of his intent to receive independent living services, and enters into a written agreement for independent living services with the local board of social services or child-placing agency within 60 days of his release. Currently, local departments and child-placing agencies may but are not required to provide independent living services to such individuals. This bill is identical to [SB 134](#) (*Favola*).

Approved by Governor-Chapter 134 (effective 7/1/14)

HB 702 Uniform assessments; qualified assessors.

Chief patron: Head

Requires the Department of Medical Assistance Services to enter into contracts with public and private entities to conduct community-based and institutional screenings in addition to or in lieu of required preadmission screenings for individuals who are eligible for community-based or institutional long-term care services under the state plan for medical assistance and provides that

every individual who requests a screening for the purpose of enrollment in a PACE plan shall be eligible for such screening, regardless of whether the individual is eligible under the state plan for medical assistance. The bill requires the Board of Medical Assistance Service to promulgate regulations to implement the provisions of the bill within 280 days of its enactment.

Approved by Governor-Chapter 413 (effective 7/1/14)

HB 733 Ordinances, local; vehicles blocking access to curb ramps, etc., on public or private property.

Chief patron: Lingamfelter

Allows localities by ordinance to prohibit vehicle parking that blocks access to mailboxes.

Approved by Governor-Chapter 505 (effective 7/1/14)

HB 740 Dogs; killing or injuring livestock or poultry, animal control officer to seize dog committing.

Chief patron: McClellan

Provides that a local animal control officer or other officer shall have a duty to seize or kill a dog found in the act of killing or injuring livestock or poultry. Current law provides that the officer shall have a duty to kill the dog.

Approved by Governor-Chapter 137 (effective 7/1/14)

HB 872 Interjurisdictional law-enforcement agreement; agreement may allow loan of unmarked police vehicles.

Chief patron: Rush

Provides that interjurisdictional law-enforcement agreements may allow the loan of unmarked police vehicles.

Approved by Governor-Chapter 581 (effective 7/1/14)

HB 978 Utility crossings; localities, etc., whose facilities are to be crossed shall cooperate with other.

Chief patron: Rust

Requires a locality or political subdivision whose facilities are to be crossed or affected by a project under the Public-Private Transportation Act of 1995 to cooperate fully with other entities in planning and arranging the manner of the crossing or relocation of the facilities. If the locality

or political subdivision and the private entity are not able to agree upon a plan for the crossing or relocation, the private entity is authorized to request the Commonwealth Transportation Board to resolve the matter. The measure also requires requests for approval of a transportation facility to include a list of the locality's or political subdivision's facilities that will be crossed by the transportation facility and a statement of plans to accommodate the crossings.

Approved by Governor-Chapter 474 (effective 7/1/14)

HB 1024 Constitutional and local offices; special election to fill vacancy.

Chief patron: Ingram

Requires the court to order a special election for a vacancy in any elected constitutional or local office to be held on the date of the next general election, unless the governing body filing the petition for the writ requests in its petition a different date for the special election that precedes the next general election. In that case the court is required to order the election be held on that date if it complies with current law regarding times for special elections. However, if the vacancy occurs within 90 days of the next general election, the special election shall be held on the second general election, unless otherwise requested in the petition.

Approved by Governor-Chapter 476 (effective 7/1/14)

HB 1051 Constitutional officers; if proposed budget reduces funding of such officer, 14 day written notice.

Chief patron: Knight

Includes electronic or other systems among those items that a local governing body shall provide for the use of clerks of all courts of record as in the governing body's judgment may be reasonably necessary for the proper conduct of such offices. The bill also provides that if a proposed local budget reduces funding for a constitutional officer at a rate greater than the average rate of reduced funding for other agencies, exclusive of the school division, the locality shall give written notice to such constitutional officer at least 14 days prior to adoption of the budget, and the local governing body shall consider any written objection of the officer made within seven days of the notice. The bill contains a technical amendment. This bill is identical to [SB 124](#) (*Lucas*).

Approved by Governor-Chapter 589 (effective 7/1/14)

SB 10 Water and sewer system; discounted fees and charges for low-income and disabled customers.

Chief patron: Garrett

Permits the Town of Louisa by ordinance to develop criteria for providing discounted water and

sewer fees and charges for low-income and disabled customers. Current law allows only a locality that owns a water and sewer system and has a population density of no more than 200 persons per square mile to develop such criteria.

Approved by Governor-Chapter 514 (effective 7/1/14)

SB 188 State and local employees; deferred compensation plans.

Chief patron: McDougle

Authorizes the inclusion of a Roth contribution program in deferred compensation retirement plans for state and local government employees beginning July 1, 2015.

Approved by Governor-Chapter 747 (effective 7/1/15)

Local Revenues

HB 44 Va. Defense Force; creates personal property tax classification for vehicle owned by member.

Chief patron: Cole

Creates a separate personal property tax classification for a motor vehicle owned or leased by a uniformed member of the Virginia Defense Force and used by the uniformed member of the Virginia Defense Force to respond to his official duties. Any locality is authorized to set a personal property tax rate for such motor vehicles less than the rate applicable to the general class of tangible personal property.

Approved by Governor-Chapter 50 (effective 7/1/14)

HB 46 Real property tax; exemption for spouses of members of armed forces killed in action.

Chief patron: Ramadan

Provides for a referendum at the November 4, 2014, election to approve or reject an amendment to allow the General Assembly to exempt from taxation the real property of the surviving spouse of a soldier killed in action.

Approved by Governor-Chapter 757 (effective 7/1/14)

HB 156 Real and personal property tax; exemption for religious bodies.

Chief patron: Minchew

Clarifies the meaning of real property used exclusively for religious worship for determining the real property tax exemption for religious bodies. This bill is identical to [SB 175](#) (*Black*).

Approved by Governor-Chapter 555 (effective 7/1/14)

HB 199 Local government expenditures or reductions; DLS to identify legislation affecting.

Chief patron: Landes

Requires the Division of Legislative Services to identify and forward to the Commission on Local Government (Commission) joint resolutions introduced calling for a study of local government expenditures or revenues. The bill also authorizes the Department of Planning and Budget and the Department of Taxation to forward to the Commission bills introduced requiring additional local government expenditures or a reduction in local government revenues.

Governor's recommendation received by House on 4/4/14

HB 283 Alcoholic beverage control; suspension of license for local tax delinquency.

Chief patron: Albo

Authorizes the ABC Board to suspend or revoke the license of a licensee who is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties or interest related thereto, lawfully imposed by the locality where the licensed business is located, as certified by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the outstanding amount is de minimis; (ii) the licensee has pending a bona fide application for correction or appeal with respect to such taxes, penalties, or interest; or (iii) the licensee has entered into a payment plan approved by the same locality to settle the outstanding liability.

Approved by Governor-Chapter 233 (effective 7/1/14)

HB 497 BPOL; appeal of business license tax classification.

Chief patron: Head

Permits a taxpayer to appeal to the Tax Commissioner or request a written ruling from him with regard to the classification of the business for BPOL tax purposes, regardless of whether the locality has conducted an audit, issued an assessment, or taken any other action.

Approved by Governor-Chapter 27 (effective - see bill)

HB 525 Real property tax; notice of assessment.

Chief patron: Pogge

Requires every notice of assessment to set forth (i) the new and prior two appraised values of land and appraised value of improvements, and the assessed values of such if different from the appraised values; (ii) the new tax rate and the rates for the prior two tax years; (iii) the total new tax levy and the tax levies for the prior two years; and (iv) the percentage changes in such levies. Under current law, such information is required for the current year and the prior year. The bill also requires the notice to inform each property owner of his right to review and make copies of records maintained by the local assessment office.

Approved by Governor-Chapter 71 (effective 7/1/14)

HB 589 Personal property tax; exemption for household goods.

Chief patron: Davis

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

Approved by Governor-Chapter 279 (effective 7/1/14)

HB 617 Personal property tax; classification.

Chief patron: Davis

Authorizes a locality to establish lower personal property tax rates on the tangible property of business that locate for the first time in the locality. The lower rates would apply for the first two tax years that the business is subject to the personal property tax. If a locality has enacted an exemption from the local license tax or fee (BPOL) for beginning businesses, only those beginning businesses that qualify for such exemption may be eligible for the lower personal property tax rates.

Approved by Governor-Chapter 409 (effective 7/1/14)

HB 1000 Real property tax; exemption for certain elderly and disabled.

Chief patron: Minchew

Provides that the real property tax exemption for the sole dwelling of the elderly and disabled includes dwellings held by certain trusts. The bill also provides that if a locality establishes income restrictions for the exemption, then the locality shall exclude (i) the income of relatives living in the dwelling providing caregiving services whether or not they are compensated and (ii)

the income of non-relative caregivers living in the home whether or not they are compensated.

Approved by Governor-Chapter 767 (effective 7/1/14)

HB 1099 Local meals, & food & beverage taxes; exempts nonprofit entity from collecting on fundraising sales.

Chief patron: Farrell

Exempts nonprofit entities from collecting meals tax or food and beverage tax on the first \$100,000 of otherwise taxable fundraising sales.

Approved by Governor-Chapter 673 (effective 7/1/14)

HB 1108 Motor vehicle sales and use tax; exemptions.

Chief patron: Hester

Exempts from the motor vehicle sales and use tax motor vehicles sold to a § 501(c)(3) organization that are primarily used by the organization to transport to markets for sale produce that is (i) produced by local farmers and (ii) sold by such farmers to the organization.

Approved by Governor-Chapter 243 (effective 7/1/14)

HJ 8 Constitutional amendment; real property tax exemption for spouses of soldiers killed in action.

Chief patron: Ramadan

Provides that the General Assembly may provide a real property tax exemption for the primary residence of surviving spouses of members of the military who are killed in action. Such tax exemption may not be claimed by a surviving spouse who has remarried.

Assigned Chapter 775 (effective 7/1/14)

SB 100 Retail Sales and Use Tax; satellite television programming equipment.

Chief patron: Ruff

Provides that the separately stated charge for equipment of a provider of satellite television programming leased or sold to the customer of such programming is subject to sales and use tax.

Approved by Governor-Chapter 359 (effective 7/1/14)

Eminent Domain

HB 1092 Oyster grounds; condemnation.

Chief patron: Ransone

Prohibits localities from exercising the right of eminent domain to condemn privately leased riparian and general oyster planting grounds. These planting grounds are assigned to persons under a lease agreement approved by the Virginia Marine Resources Commission. An exception to the condemnation prohibition is made for permitted water-dependent linear wastewater projects where there is no practical alternative. This bill is identical to [SB 603](#) (*Stuart*).

Approved by Governor-Chapter 591 (effective 7/1/14)

SB 194 Eminent domain; date of valuation in actions shall be determined by court.

Chief patron: Black

Provides that the "date of valuation" of property in an inverse condemnation proceeding is the date determined by the court to be the date the property was taken or damaged.

Approved by Governor-Chapter 618 (effective 7/1/14)

Planning and Land Use

Land Conservation, Open Space, Parks, PDRs

[HB 572](#) Wetlands; board shall give credit for in-lieu fee payments made to VA Aquatic Resources Trust Fund.

Chief patron: DeSteph

Requires a local wetlands board to give a permit applicant credit toward local in-lieu fees in the amount of the fee he has paid, as an agreed-upon permit condition, to the Virginia Aquatic Resources Trust Fund or another dedicated wetlands restoration fund. The bill makes technical changes.

Approved by Governor-Chapter 131 (effective 7/1/14)

[HB 858](#) State forest activity fee; Department of Forestry to promulgate emergency regulations to establish.

Chief patron: Fariss

Authorizes the Department of Forestry to promulgate emergency regulations to establish a special use permit fee for activities taking place in state forests. Until the regulations become effective, a fee not to exceed \$15 shall be charged for a special use permit for five specific activities: hunting, fishing, trapping, riding bikes, and riding horses. Currently, the Department can charge a fee for these specific activities but does not have the flexibility to include other types of forest-based recreational activities. The bill would allow the Department to use the regulatory process to include additional activities authorized under the special use permit, without having to amend the statutory authorization.

Approved by Governor-Chapter 141 (effective 7/1/14)

[HB 988](#) Coyotes; DGIF & VDACS to provide information & promote programs in assisting with control concerns.

Chief patron: Cline

Directs the Department of Game and Inland Fisheries and the Department of Agriculture and Consumer Services to promote programs to those seeking assistance with coyote control concerns.

Approved by Governor-Chapter 429 (effective 7/1/14)

SB 545 Reforestation Operations Fund; changes current Fund to nonreverting special fund.

Chief patron: Ruff

Changes the current Reforestation Operations Fund to a nonreverting special fund in which the interest generated by the Fund is credited to the Fund.

Approved by Governor-Chapter 263 (effective 7/1/14)

Land Use & Growth Management

HB 209 Subdivision plats; localities may mandate submission of preliminary plats for tentative approval.

Chief patron: Marshall, D.W.

Provides that localities may mandate the submission of preliminary subdivision plats for tentative approval only for plats involving 50 or more lots.

Approved by Governor-Chapter 393 (effective 7/1/14)

HB 268 Agricultural operations; local regulation of certain activities, On-Farm Activities Working Group.

Chief patron: Orrock

Protects certain activities at agricultural operations from local regulation in the absence of substantial impacts on the public welfare and requires localities to take certain factors into account when regulating any of several activities: the conduct of agritourism activities, the sale of agricultural or silvicultural products or related items, the preparation or sale of foods that otherwise comply with state law, and other customary activities. Localities are prohibited from subjecting the listed activities to a special-use permit requirement in the absence of a substantial impact on health, safety, or public welfare and in most situations are prevented from stringently regulating the sound produced by the listed activities. The bill provides that its provisions shall not affect an entity licensed in accordance with the alcoholic beverage laws, affect the provisions of the Right to Farm Act, alter the provisions of § 15.2-2288.3, or restrict the taxation authority of any locality. This bill is identical to [SB 51](#) (*Stuart*).

Approved by Governor-Chapter 494 (effective 7/1/14)

HB 296 Comprehensive plans; alignment of transportation infrastructure and facilities.

Chief patron: Villanueva

Requires localities to take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services when developing the transportation component of the comprehensive plan for the physical development of the territory. The bill as introduced was a recommendation of the Virginia Disability Commission and is identical to [SB 58](#) (*Marsden*).

Approved by Governor-Chapter 397 (effective 7/1/14)

HB 377 Billboard signs; adjustment or relocation.

Chief patron: Anderson

Includes the erection of a sound barrier as an action that allows relocation of a billboard sign. The bill also allows a billboard to remain in its original location until the Commissioner of Highways or other condemnor gives notice to its owner that the sign must be removed. This bill is identical to [SB 295](#) (*Puckett*).

Governor's recommendation received by House on 4/7/14

HB 527 Group homes; zoning.

Chief patron: Pogge

Provides that for purposes of zoning, a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, shall be considered residential occupancy by a single family. Currently, such facilities are required to have one or more resident counselors or other staff persons to qualify for this zoning designation.

Approved by Governor-Chapter 238 (effective 7/1/14)

HB 530 Condominium and Property Owners' Association Acts; compliance with declaration.

Chief patron: Pogge

Clarifies that an action against the association for noncompliance with all lawful provisions of the Condominium and Property Owners' Association Acts and all provisions of the declaration is not precluded.

Approved by Governor-Chapter 569 (effective 7/1/14)

HB 722 Methadone clinics; location near schools and day care centers, exemptions for existing facilities.

Chief patron: McClellan

Provides that licensed providers of methadone treatment that are exempt from restrictions regarding proximity to a school or day care center do not retain the exemption when relocating an existing facility or establishing a new facility. The bill provides an exception to location requirements for certain facilities operated by a community services board and located in a city in Planning District 23. This bill is identical to [SB 117](#) (*Watkins*).

Approved by Governor-Chapter 415 (effective 7/1/14)

HB 997 Cemeteries; procedure for removal and relocation of human remains.

Chief patron: Anderson

Provides that should any county, city, or town, having acquired by any means land on which an abandoned graveyard is located, including lands acquired in accordance with § 22.1-126.1 for educational purposes, initiate plans to use that land for purposes other than to maintain the graveyard, such county, city, or town shall, prior to completion of said plans, develop and engage in active public notice and participation regarding efforts to avoid adverse impacts to the graveyard or to remove the remains interred in such graveyard to an alternative repository. The bill provides that such notice and participation shall include, at minimum, publication of at least one notice in a local newspaper of general circulation, notice posted at the site of the graveyard, and notice to and consultation with any historic preservation or other such commission, as well as area historical and genealogical societies, and at least one public hearing., and notice to the Department of Historic Resources and any local historical commission or organization.

Approved by Governor-Chapter 588 (effective 7/1/14)

HB 1084 Permits and approvals, certain; damages for unconstitutional grant or denial by locality.

Chief patron: Morris

Provides that an applicant aggrieved by the grant or denial by a locality of any approval or permit, where such grant included, or denial was based upon an unconstitutional condition, shall be entitled to an award of compensatory damages, and may be awarded reasonable attorney fees and costs. The bill also provides that the applicant shall be entitled to an order remanding the matter to the locality with a direction to grant or issue such permits or approvals without the unconstitutional condition. The provisions of this bill shall only apply to approvals or permits that are granted or denied on or after July 1, 2014. This bill is identical to [SB 578](#) (*Obenshain*).

Approved by Governor-Chapter 671 (effective 7/1/14)

HB 1089 Zoning; clarifies definition of agricultural products.

Chief patron: Morris

Clarifies the definition of agricultural products by including aquaculture.

Approved by Governor-Chapter 435 (effective 1/1/15)

SB 5 Right to Farm Act; restoration of certain provisions.

Chief patron: Edwards

Restores application of certain provisions of the Right to Farm Act to cities and towns that currently only apply to counties. The proposed amendments were enacted in 2007 (Chapter 444 of the Acts of Assembly of 2007) but were omitted a year later in the 2008 revision of Title 3.1, Agriculture, Horticulture and Food.

This bill is a recommendation of the Code Commission.

Approved by Governor-Chapter 246 (effective 7/1/14)

SB 241 Development rights; required to comply with any locality-adopted neighborhood design standards.

Chief patron: Stuart

Provides that a locality may require that development comply with any prior locality-adopted neighborhood design standards identified in the comprehensive plan for the receiving area in which the development shall occur.

Approved by Governor-Chapter 527 (effective 7/1/14)

SB 430 Farm brewery licenses, limited; Board of Alcoholic Beverage Control may grant to certain breweries.

Chief patron: Watkins

Creates a new limited brewery license for breweries that manufacture no more than 15,000 barrels of beer per calendar year, are located on a farm in the Commonwealth, and use agricultural products that are grown on the farm in the manufacture of their beer. The bill limits local regulation of limited brewery licensees. It also specifically allows a locality to exempt minimum parking, road access, or road upgrade requirements on any licensed limited brewery in an agriculturally zoned district.

Approved by Governor-Chapter 365 (effective 7/1/14)

Transportation

Road Funding

[HB 975](#) Hybrid electric motor vehicles; repeals annual license tax.

Chief patron: Rust

Repeals the \$64 annual license tax on hybrid electric motor vehicles that was first imposed beginning July 1, 2013. The bill also provides for refunds of the license tax paid on hybrid electric motor vehicles for registration years beginning on or after July 1, 2014. This bill is identical to [SB 127](#) (*Newman*).

Approved by Governor-Chapter 43 (effective 7/1/14)

[HB 1048](#) Highway systems; funding.

Chief patron: Rust

Includes primary state highway system extensions, the part of the primary highway that runs through a city or town, in the list of highways that receive the 25 percent for reconstruction of deteriorated highways of the amount allocated each year by the Commonwealth Transportation Board. The bill also reduces the number of vehicles per day on unpaved roads from 200 to 50 for the unpaved roads that may be considered for five percent of the annual allocation. This bill is identical to [SB 518](#) (*Wagner*).

Approved by Governor-Chapter 87 (effective 7/1/14)

[SB 156](#) Electronic toll collection transponders; VDOT shall develop plan to eliminate maintenance fees.

Chief patron: Miller

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

Approved by Governor-Chapter 614 (effective 7/1/14)

Transit Funding

HB 396 Rail and Public Transportation, Department of; funding.

Chief patron: O'Bannon

Codifies appropriation act language dealing with funding of the Department of Rail and Public Transportation. This bill is identical to [SB 298](#) (*Watkins*).

Approved by Governor-Chapter 66 (effective 7/1/14)

Transportation Policy

HB 2 Commonwealth Transportation Board; statewide prioritization process for project selection.

Chief patron: Stolle

Provides for the development of a prioritization process for projects funded by the Commonwealth Transportation Board. Such prioritization shall weight factors such as congestion mitigation, economic development, accessibility, safety, and environmental quality and be applied within each highway construction district.

Approved by Governor-Chapter 726 (effective 7/1/14)

HB 69 Service contracts; expands types of services that may be provided under extended contract.

Chief patron: Marshall, D.W.

Expands the types of services that may be provided under an extended service contract to include certain types of damage to a motor vehicle, the replacement of motor vehicle keys, and the installation or application of certain materials on a motor vehicle that includes an agreement that to the purchaser of incidental costs if the material fails to prevent loss or damage as specified. The measure also authorizes the Board of Agriculture and Consumer Services to designate additional services that may be provided under an extended service contract.

Approved by Governor-Chapter 193 (effective 7/1/14)

HB 122 Autocycle; defines a new class of vehicle and provides for examination of drivers, fees, etc.

Chief patron: Scott

Defines a new class of vehicle, known as an autocycle, and provides for examination of drivers,

registration fees, safety, inspection, and other requirements pursuant to creating this new class of vehicle. The bill contains technical amendments. This bill is identical to [SB 383](#) (Reeves).

Approved by Governor-Chapter 53 (effective 7/1/14)

[HB 123](#) Petroleum transport vehicles; amber warning lights allowed when parked or delivering products.

Chief patron: Scott

Allows amber warning lights on petroleum and propane transport vehicles to be lit when the vehicle is parked or delivering petroleum or propane products.

Approved by Governor-Chapter 54 (effective 7/1/14)

[HB 164](#) Metropolitan Washington Airports Authority; background checks of applicants.

Chief patron: Albo

Authorizes the chief of the Metropolitan Washington Airports Authority police department, or his designee, to conduct criminal background checks through the Central Criminal Records Exchange and the Federal Bureau of Investigation on applicants who have been conditionally offered employment with the Authority. The applicant's criminal history record information obtained by the chief must otherwise be kept confidential. The bill also establishes criteria that the Authority must consider in determining whether an applicant's criminal conviction directly relates to the position offered.

Approved by Governor-Chapter 57 (effective 7/1/14)

[HB 255](#) Photo-monitoring; systems to enforce traffic light signals.

Chief patron: Lingamfelter

Requires that all "photo-red" systems have yellow light signal lengths of at least three seconds.

Approved by Governor-Chapter 163 (effective 7/1/14)

[HB 311](#) Highways, bridges, ferries, rail transportation, etc.; recodifying and revising laws.

Chief patron: LeMunyon

Revision of Title 33.1. Creates proposed Title 33.2 (Highways and Other Surface Transportation Systems) as a revision of existing Title 33.1 (Highways, Bridges and Ferries), as well as portions of Titles 15.2 (Counties, Cities and Towns), 56 (Public Service Companies), and 58.1 (Taxation). Proposed Title 33.2 consists of 32 chapters divided into four subtitles: Subtitle I

(General Provisions and Transportation Entities); Subtitle II (Modes of Transportation: Highways, Bridges, Ferries, Rail, and Public Transportation); Subtitle III (Transportation Funding and Development); and Subtitle IV (Local and Regional Transportation). This bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to highways, bridges, ferries, rail and public transportation, transportation funding, and local and regional transportation. This bill has a delayed effective date of October 1, 2014.

This bill is a recommendation of the Virginia Code Commission.

Governor's recommendation received by House on 4/7/14

[HB 341](#) Natural gas vehicles; weight limit exception, allowance for Interstate highways.

Chief patron: Taylor

Allows vehicles fueled, wholly or partially, by natural gas to weigh up to 2,000 pounds more than the applicable weight limit on non-Interstate highways. The bill requires the operator of the vehicle to be able to demonstrate that the vehicle uses natural gas.

Approved by Governor-Chapter 64 (effective 7/1/14)

[HB 400](#) Hampton Roads, Transportation District Commission of; staggers terms of gubernatorial appointees.

Chief patron: Howell, A.T.

Staggers the terms of the Governor's appointments to the commission. This bill is identical to [SB601](#).

Approved by Governor-Chapter 655 (effective 7/1/14)

[HB 411](#) Vehicle safety inspection approval; increases grace period for certain members of armed services.

Chief patron: Anderson

Increases the grace period for vehicle safety inspection from five business days to 14 calendar days for members of the armed services on active duty. This bill is identical to [SB 138](#) (*Barker*).

Approved by Governor-Chapter 67 (effective 7/1/14)

HB 416 Loudoun County; VDOT's duties & responsibilities to properly maintain the rural gravel road network.

Chief patron: Minchew

Provides specific goals for VDOT's maintenance of the rural gravel road network in Loudoun County. This bill is identical to [SB 397](#) (*Vogel*).

Approved by Governor-Chapter 276 (effective 7/1/14)

HB 793 Transportation planning; VDOT to estimate costs necessary to mitigate or ameliorate congestion.

Chief patron: LeMunyon

Requires the Department of Transportation, when reviewing certain proposed comprehensive plan amendments from localities in Planning District 8 (Northern Virginia), to recommend specific transportation improvements to the Northern Virginia Transportation Authority, the Commonwealth Transportation Board, and the appropriate locality that are necessary to ameliorate congestion.

Approved by Governor-Chapter 766 (effective 7/1/14)

HB 854 Speed limits; maximum limit on nonsurface-treated highways in certain counties.

Chief patron: Garrett

Applies statewide the 35 mph maximum speed limit on nonsurface-treated highways that is currently applied only in Albemarle, Clarke, Fauquier, Frederick, Loudoun, Montgomery, Nelson, Page, Rappahannock, Warren, and Wythe Counties and in any other county whose governing body adopts an ordinance to do so. This bill is identical to [SB 470](#) (*Smith*).

Approved by Governor-Chapter 80 (effective 7/1/14)

HB 904 Transportation projects; notice by VDOT.

Chief patron: Hugo

Requires VDOT, at least 30 days prior to any public hearing regarding a transportation project valued in excess of \$100 million, to provide notice by regular mail of pending transportation projects to all owners of property within and adjacent to such project study corridor.

Approved by Governor-Chapter 733 (effective 7/1/14)

HB 957 Transportation commission membership; extends effective date of provisions to July 1, 2015.

Chief patron: Filler-Corn

Delays the effective date of House Bill 2152 (2013) to July 1, 2015. House Bill 2152 gives the Chairman of the Commonwealth Transportation Board or his designee equal voting weight on the Virginia Railway Express oversight board. House Bill 2152 also provides that the Chairman of the Commonwealth Transportation Board or his designee shall be included for purposes of constituting a quorum on certain transportation commissions and shall have voting rights equal to the appointees of component governments.

Approved by Governor-Chapter 428 (effective 7/1/15)

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

Chief patron: Villanueva

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

Approved by Governor-Chapter 477 (effective 7/1/14)

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

Chief patron: Anderson

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

Approved by Governor-Chapter 478 (effective 7/1/14)

HB 1253 Hampton Roads Transportation Accountability Commission; created.

Chief patron: Jones

Creates the Hampton Roads Transportation Accountability Commission, which is composed of the chief elected officers of the governing bodies of the 14 localities in Planning District 23, two senators, three delegates, and four nonvoting ex officio members. The bill moves the responsibility for approval of projects and the priority of such projects pursuant to the Hampton Roads Transportation Fund from the Hampton Roads Transportation Planning Organization (HRTPO) to the Hampton Roads Transportation Accountability Commission (HRTAC). The bill also directs the HRTPO and VDOT to assist the new HRTAC in its formation. This bill is

identical to [SB 513](#) (*Wagner*).

Approved by Governor-Chapter 678 (effective 7/1/14)

[HJ 122](#) Statewide transportation technology goals and plan of action; VDOT, et al., to create, report.

Chief patron: LeMunyon

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

Passed

[SB 97](#) Bicycles, etc.; minimum clearance for passing.

Chief patron: Reeves

Increases from two to three feet the minimum clearance between a passing vehicle and a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, moped, animal, or animal-drawn vehicle.

Approved by Governor-Chapter 358 (effective 7/1/14)

[SB 205](#) Driver training and road tests; behind-the-wheel examination for persons age 19 or older.

Chief patron: McWaters

Allows persons age 19 or over the option of taking the behind-the-wheel examination at a driver training school as long as they complete the current requirements already in place for persons under 19. The bill would also allow students who are not minors to take driver's education and their behind-the-wheel examination with their school or with a driver training school.

Current law allows persons age 19 or over (i) to obtain a learner's permit and hold such permit for 60 days and then take a behind-the-wheel examination administered by the DMV or (ii) to take driver's education and then take a behind-the-wheel examination administered by the DMV.

The bill retains the requirements that those seeking a commercial driver's license or on medical review take their behind-the-wheel examination administered by the DMV and that persons who fail the behind the wheel test three times at DMV must return to DMV to take the test after completing requirements at a driver training school.

Approved by Governor-Chapter 685 (effective 7/1/14)

SJ 46 Hampton Roads, regional; Department of Transportation to study location of its office.

Chief patron: Cosgrove

Requests the Department of Transportation to study the location of its regional Hampton Roads office and whether or not a new location could better serve the highway construction district.

Passed

Pedestrian Safety

SB 237 Optional provisions in subdivision ordinances; sidewalk improvements.

Chief patron: Petersen

Adds to the list of optional provisions in local subdivision ordinances a provision allowing any town in the Northern Virginia Transportation District to require the dedication of land for sidewalk improvements where the property being developed is designated for such improvements on the locality's pedestrian plan.

Approved by Governor-Chapter 619 (effective 7/1/14)

Other

HB 99 Tax information; changes unlawful dissemination or publication to Class 1 misdemeanor.

Chief patron: Lingamfelter

Changes the unlawful dissemination or publication of tax information from a Class 2 to a Class 1 misdemeanor.

Approved by Governor-Chapter 194 (effective 7/1/14)

HB 439 Fraud and Abuse Whistle Blower Protection Act; applicability to Virginia citizens.

Chief patron: LeMunyon

Expands the protections of the Fraud and Abuse Whistle Blower Protection Act to Virginia citizens and makes Virginia citizens eligible for an award from the Fraud and Abuse Whistle Blower Reward Fund, provided they meet the requirements of the Act, including where the disclosure results in a recovery of at least \$5,000. The bill contains a technical amendment.

Acts of Assembly Chapter text (CHAP0403)

HB 728 Fraud and Abuse Whistle Blower Protection Act; discriminatory and retaliatory action.

Chief patron: Lingamfelter

Provides that no employer may discharge, threaten, or otherwise discriminate or retaliate against a whistle blower, in whole or in part, because the whistle blower is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action. The bill also provides that any whistle blower may bring a civil action for prohibited actions against him in the circuit court of the jurisdiction where the whistle blower is employed. The bill provides that in a proceeding commenced against any employer for unlawful retaliation against a whistleblower, the court, if it finds that a violation was willfully and knowingly made, may impose upon such employer that is a party to the action, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,500, which amount shall be paid into the Fraud and Abuse Whistle Blower Reward Fund. The bill also provides that the court may order remedies, including reinstatement to the same position or, if the position is filled, to an equivalent position; back pay; full reinstatement of fringe benefits and seniority rights; or any combination of such remedies. The bill also provides that the whistle blower may be entitled to recover reasonable attorney fees and costs. The bill also imposes a three-year statute of limitations for such actions.

Approved by Governor-Chapter 335 (effective 7/1/14)

HJ 103 Virginia's Line of Duty Act; Joint Legislative Audit and Review Commission to study.

Chief patron: Jones

Directs the Joint Legislative Audit and Review Commission to study Virginia's Line of Duty Act, the current and projected future costs of benefits awarded thereunder, and the advisability of coordinating those benefits with additional benefits paid under other state and federal programs.

Passed

SB 154 Wild animals & birds; unlawful to hunt on private property and state waters on Sunday, exception.

Chief patron: Puckett

Allows hunting on Sundays under certain circumstances. A person may hunt waterfowl, subject to restrictions imposed by the Director of the Department of Game and Inland Fisheries, and a landowner and his immediate family or a person with written permission from the landowner may hunt or kill any wild bird or wild animal, including nuisance species, on the landowner's property. However, the aforementioned hunting activities cannot occur within 200 yards of a house of worship. The bill prohibits the hunting of deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs on Sunday. This bill is identical to [HB 1237](#) (*Gilbert*).

Approved by Governor-Chapter 152 (effective 7/1/14)

SB 549 Emergency relief; donations by localities to charitable institutions.

Chief patron: Puckett

Provides that a locality may make gifts and donations to any nonprofit tax-exempt organization that is engaged in providing emergency relief to residents, including providing the repair or replacement of private property damaged or destroyed by a natural disaster.

Approved by Governor-Chapter 711 (effective 7/1/14)