



*APA Virginia*

*Legislative Program*

*Draft Preliminary Report*

*2017 General Assembly*

*March 3, 2017*



The following report lists key bills passed by the 2017 General Assembly. The current status of the bill is shown after the bill summary. If the status says "Approved by the Governor" then the bill has completed the process and generally takes effect on the July 1, 2017. If the status says "Governor's Action Deadline Midnight, Monday March 27, 2017" then the bill has been sent to the Governor for his action (approval, veto or suggestion of amendment). The Reconvened session, to consider Governor's amendments and vetos, will be on Wednesday April 5. Joint Resolutions do not go to the Governor and are approved once signed by Speaker of the House and President of the Senate.

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# Energy and Environment

## Energy Efficiency

### **HB 1565 Local tax and regulatory incentives; green development zones.**

*Chief patron:* Webert

Authorizes localities to create green development zones that provide certain tax incentives and regulatory flexibility for up to 10 years to a business operating in an energy-efficient building or to a business that produces products used to reduce negative impact on the environment.

02/17/17 Governor: Approved by Governor-Chapter 27 (effective 7/1/17)

### **HB 2390 Renewable energy power purchase agreements; expands pilot program.**

*Chief patron:* Kilgore

the pilot program for renewable energy power purchase agreements authorized under legislation enacted in 2013 by directing that a pilot program be conducted by Appalachian Power. Currently, a pilot program is authorized only within Dominion Power's service territory. The measure provides that within the certificated service territory of Appalachian Power, nonprofit, private institutions of higher education that are not being served under a specific renewable generation tariff provision are deemed to be customer-generators eligible to participate in the pilot program, without the requirement that they participate in the utility's net energy metering program. The aggregated capacity of all generation facilities that are subject to third party power purchase agreements in Appalachian Power's pilot program is capped at seven megawatts.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 886 Gas severance tax.**

*Chief patron:* Chafin

Extends the sunset date from January 1, 2018, to January 1, 2020, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. This bill is identical to HB 2169.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 990 Electric energy consumption reduction goal; progress reports.**

*Chief patron:* Dance

Directs the Department of Mines, Minerals and Energy, in consultation with the staff of the State Corporation Commission, to report annually, commencing no later than December 15, 2018, on the progress the Commonwealth is making toward meeting the goal adopted in 2007 of reducing the consumption of electric energy by retail customers by the year 2022 by an amount equal to 10 percent of the amount of electric energy consumed by retail customers in 2006. The bill requires the reports to be made to the General Assembly, the Governor, and the Governor's Executive Committee on Energy Efficiency.

02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1018 Temporary exemption periods from retail sales and use taxes for qualifying items; sunset dates.**

*Chief patron:* Barker

Extends from July 1, 2017, to July 1, 2022, the sunset dates for the sales tax holiday periods for school supplies and clothing, Energy Star and WaterSense products, and hurricane preparedness products. This bill is identical to HB 1529.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

### **SB 1393 Electric utilities; community solar pilot programs.**

*Chief patron:* Wagner

Requires Dominion Virginia Power and Appalachian Power to conduct a community solar pilot program for retail customers. A pilot program will authorize the participating utility to sell electric power to subscribing customers under a voluntary companion rate schedule, and the utility will generate or purchase the electric power from eligible generation facilities selected for inclusion in the pilot program. An eligible generation facility is an electrical generation facility that (i) exclusively uses energy derived from sunlight; (ii) is placed in service on or after July 1, 2017; (iii) is not constructed by an investor-owned utility but is acquired by an investor-owned utility through an asset purchase agreement or is subject to a power purchase agreement under which the utility purchases the facility's output from a third party; and (iv) has a generating capacity not exceeding two megawatts, subject to an exception. Pilot programs will have a three-year duration unless renewed or made permanent by appropriate legislation. The measure requires an investor-owned utility to select eligible generating facilities for dedication to its pilot program through a request for proposal (RFP) process. The minimum generating capacity of the eligible generating facilities in Appalachian Power's pilot program is 0.5 MW and in Dominion's pilot program is 10 MW. The maximum generating capacity of the eligible generating facilities in Appalachian Power's pilot program is 10 MW and in Dominion's pilot program is 40 MW. The measure establishes a procedure through which an investor-owned utility may increase the generating capacity of facilities in its pilot program above the amount most recently approved by the State Corporation Commission. The measure provides that an investor-owned utility may recover pilot program costs that are not recovered through the voluntary companion rate schedule through variable-output contracts with participating third parties. Such costs would include costs associated with unsubscribed generation offered under the pilots. A subscribing customer's usage above the amount subscribed for the voluntary companion rate schedule shall be billed under the customer's applicable standard rate. The measure authorizes a utility consumer services cooperative to conduct a pilot program and gives the cooperative flexibility in designing its program and voluntary companion rate schedule. The measure declares that the participation of retail customers in a pilot program is in the public interest and that the voluntary companion rate schedules approved are necessary in order to acquire information which is in furtherance of the public interest. The measure requires the Commission to approve the recovery of pilot program costs that it deems to be reasonable and prudent, the pilot program

02/22/17 Senate: House amendment agreed to by Senate (39-Y 0-N 1-A)

**SB 1394 Small agricultural generators; establishes parameters of a program.**

*Chief patron:* Wagner

Establishes the parameters of a program under which small agricultural generators may sell the electricity generated from a small agricultural generating facility to its utility. Effective July 1, 2019, enrollment by eligible agricultural customer-generators in an existing net energy metering program conducted by an electric cooperative will cease, though a cooperative's customers who were participating as eligible agricultural customer-generators before that date are allowed to remain in the net metering program for not more than 25 years. A small agricultural generator is defined in this measure as a customer who operates an electrical generating facility as part of an agricultural business, which generating facility, among other conditions, has a capacity of not more than 1.5 megawatts, uses renewable energy as its total source of fuel, has a capacity that does not exceed 150 percent of the customer's expected annual energy consumption based on the previous 12 months of billing history, uses not more than 25 percent of contiguous land owned or controlled by the agricultural business for purposes of the renewable energy generating facility, and is a PURPA qualifying small power production facility. The program for small agricultural generators requires the generator to enter into a power purchase agreement with its supplier to sell all of the electricity generated at a rate not less than the supplier's State Corporation Commission-approved avoided cost tariff for energy and capacity. The program also provides for utilities to recover distribution service costs and costs incurred to purchase electricity, capacity, and renewable energy certificates from the small agricultural generator through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause if the utility has a Commission-approved RPS plan and rate adjustment clause or, if the utility does not have a Commission-approved RPS rate adjustment clause, then the costs shall be recoverable through the supplier's fuel adjustment clause or through the utility's cost of purchased power. Finally, the measure directs the Commission to conduct a single docketed proceeding to implement the provisions of this measure. The bill

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1395 Small renewable energy projects; eligibility for permits by rule.**

*Chief patron:* Wagner

Provides that certain small renewable energy projects proposed, developed, constructed, or purchased by (i) a public utility if the project's costs are not recovered from Virginia jurisdictional customers under base rates, a fuel factor charge, or a rate adjustment clause or (ii) a utility aggregation cooperative, are eligible for a permit by rule and are exempt from environmental review and permitting by the State Corporation Commission. The measure specifies that a small renewable energy project shall be eligible for permit by rule if it is proposed, developed, constructed, or purchased by a person that is not a regulated utility. The measure exempts a small renewable energy project for which the Department of Environmental Quality has issued a permit by rule from the requirement that it obtain a certificate of public convenience and necessity for the construction or operation of the project. Finally, the measure increases the maximum rated capacity of solar and wind facilities that qualify as small renewable energy projects from 100 megawatts to 150 megawatts.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1418 Electric utilities; costs of pumped hydroelectricity generation and storage facilities.**

*Chief patron:* Chafin

Authorizes an investor-owned electric utility to petition the State Corporation Commission for approval of a rate adjustment clause for recovery of the costs of one or more pumped hydroelectricity generation and storage facilities that utilize associated on-site or off-site renewable energy resources as all or a portion of their power source and such facilities and associated resources are located in the coalfield region of the Commonwealth. The measure provides that the requirement that a utility demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process does not apply to these generation and storage facilities.

02/23/17 Senate: House substitute agreed to by Senate (37-Y 1-N)



## **SB 1473 Electric utilities; recovery of costs of undergrounding distribution lines.**

*Chief patron:* Saslaw

Declares that the replacement of any subset of an investor-owned electric utility's existing overhead distribution tap lines that have, in the aggregate, an average of nine or more total unplanned outage events-per-mile over a preceding 10-year period with new underground facilities in order to improve electric service reliability is in the public interest. The measure also provides that there shall be a rebuttable presumption that (i) the conversion of such facilities will provide local and system-wide benefits, (ii) the new underground facilities are cost beneficial, and (iii) the costs associated with the new underground facilities are reasonably and prudently incurred. An enactment clause provides that the measure shall apply to any applications pending with the Commission regarding new underground facilities on or after January 1, 2017. Another enactment clause directs an investor-owned incumbent electric utility to provide written notice to any cable operator of a cable television system that has attached its facilities to its poles that will be replaced in a project to underground existing overhead distribution tap lines not less than 90 days prior to relocating the utility's overhead distribution lines. The clause also establishes a procedure for negotiating a common shared underground easement.

02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

## **Environment and Water Resources**

### **HB 1472 Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions.**

*Chief patron:* Lingamfelter

Provides an exception to the prohibition against contracts between employing agencies and their officers or employees for contracts by an officer or employee of a soil and water conservation district to participate in a cost-share program for the installation of best management practices to improve water quality. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under such program. The bill provides that the

exception applies to all contracts entered into on and after July 1, 2017, and to any contract entered into by an officer or employee or an immediate family member of such officer or employee with a soil and water conservation district to participate in a cost-share program for the installation of best management practices to improve water quality prior to the effective date of this act.

02/17/17 Governor: Governor's Action Deadline Midnight, February 24, 2017

### **HB 1509 Mineral mines reclamation; bonds and liens.**

*Chief patron:* Ware

Increases, from a range of \$200 to \$1,000 per acre to a fixed amount of \$3,000 per acre, the mandatory bond amount furnished by operators on mining land. The bill increases the minimum size of the Minerals Reclamation Fund from \$250,000 to \$2 million. The bill also grants the Commonwealth a lien on property owned by the operator and reclaimed by the Director of the Department of Mines, Minerals and Energy and sets out the process by which the Director shall perfect or waive the lien.

02/13/17 Governor: Approved by Governor-Chapter 4 (effective 7/1/17)

### **HB 1562 Dam Safety, Flood Prevention and Protection Assistance Fund; grants from Fund.**

*Chief patron:* Cole

Authorizes the Director of the Department of Conservation and Recreation to disburse moneys from the Dam Safety, Flood Prevention and Protection Assistance Fund in the form of grants or loans to a local government for a dam located within the locality or to a private entity that owns a dam in order to protect public safety and welfare. The grants can be used for the design, repair, and safety modifications of dams identified in safety reports.

02/24/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1597 Stormwater management utility, local; waiver of charges when stormwater retained on site.**

*Chief patron:* Weibert

Requires any locality establishing a stormwater management utility to provide a full or partial waiver of charges for a person whose approved stormwater management plan indicates that the stormwater produced by his property is retained and treated on site.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1600 Landfills; DEQ, et al., to work towards odor reduction in Campbell County.**

*Chief patron:* Fariss

Requires any active sanitary landfill that receives more than 100,000 tons of solid waste per year and is located within one-half mile of any residence or residentially zoned property to install a landfill gas collection and control system by July 1, 2019.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1619 Watershed discharge permits; review of allocations.**

*Chief patron:* Bulova

Directs the State Water Control Board to incorporate into the general permit procedures by which it will, every 10 years beginning in 2020, (i) review load allocations to determine whether changes in the use of a facility have halted or reduced nutrient discharges and (ii) determine, prior to reissuing the general permit, the need for reallocations based on a variety of factors, including changes in treatment technologies and land use.

02/13/17 Governor: Approved by Governor-Chapter 9 (effective 7/1/17)

**HB 1691 Property conveyance; Department of Conservation and Recreation; Widewater Beach Subdivision.**

*Chief patron:* Dudenhefer

Authorizes the Department of Conservation and Recreation to convey certain real property in Stafford County to the Widewater Beach Subdivision Citizens Association, Inc.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1774 Stormwater management; work group to examine ways to improve.**

*Chief patron:* Hodges

Directs the Commonwealth Center for Recurrent Flooding Resiliency (the Center) to convene a work group to consider alternative methods of stormwater management in rural Tidewater localities. The bill provides that the group is to be facilitated by the Virginia Coastal Policy Center at William and Mary Law School and is to include representatives of institutions of higher education, state agencies, local governments, private industry, and other groups. The bill provides that the work group is to review and consider the creation of rural development growth areas, the development of a volume credit program, the payment of fees to support regional best management practices, and the allowance of the use of stormwater in highway ditches to generate volume credits. The bill requires the Center to report the results of the work group's examination to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by January 1, 2018, which is the date the work group provisions of the bill are set to expire. The bill also delays from July 1, 2017, to July 1, 2018, the effective date of new stormwater laws enacted during the 2016 Session of the General Assembly.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1993 Interstate pipeline construction; Department of Transportation oversight.**

*Chief patron:* Habeeb

Allows the Department of Transportation to enter into agreements with any entity constructing interstate pipelines setting forth a reasonable procedure to identify and remedy damage caused by construction of such pipeline to public highways of the Commonwealth.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2009 Stormwater and erosion management; administration of program by certified third party.**

*Chief patron:* Hodges

Authorizes the hiring of certified third-party professionals to administer any or all aspects of a program for the management of stormwater and erosion, including plan review and inspection but not including enforcement, on behalf of (i) an erosion and stormwater management program authority, which is the State Water Control Board or a locality approved by the State Water Control Board, or (ii) a stormwater management program authority, which can be a locality, a state entity, or another type of entity.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2076 State Water Control Board; stormwater management programs, regulations, professional license.**

*Chief patron:* Wilt

Directs the State Water Control Board to adopt regulations requiring that all final plan elements, specifications, or calculations whose preparation requires a license in engineering, architecture, soil science, or a related profession be signed and sealed by a licensed professional. The bill requires the regulations to be effective no later than July

1, 2018, and exempts them from certain provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

02/13/17 Governor: Approved by Governor-Chapter 10 (effective 7/1/17)

**HB 2154 Running bamboo; designates as a noxious weed.**

*Chief patron:* Rasoul

Authorizes any locality to adopt an ordinance requiring proper upkeep of running bamboo and prohibiting the spread of running bamboo from a landowner's property, with violations punishable by a civil penalty not to exceed \$50 for a first violation and not to exceed \$200 for a subsequent violation within 12 months. The bill includes running bamboo in the "other foreign growth" category that current law allows localities to regulate and in some cases to cut. The bill also directs the Department of Conservation and Recreation (DCR) and the Virginia Department of Agriculture and Consumer Services (VDACS) to develop a model running bamboo ordinance and, with the Department of Forestry, to enter into a Memorandum of Understanding that clarifies the roles of the VDACS noxious weeds regulations and the work of the Virginia Invasive Species Working Group. Finally, the bill directs VDACS and DCR to examine the eligibility of certain plants for designation as noxious weeds. This bill is identical to SB 964.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2311 Nutrient Offset Fund; sale of credits.**

*Chief patron:* Cox

Requires the Director of the Department of Environmental Quality (DEQ) to use certain funds to purchase nutrient credits for point or nonpoint sources that achieve reductions beyond the requirements of state or federal law or the Chesapeake Bay Watershed Implementation Plan. The bill directs DEQ to establish procedures for distributing moneys from the Nutrient Offset Fund with certain requirements. The bill requires the Director of DEQ to consider the recommendations of the Secretary of Commerce and

Trade and the requirements of the State Water Control Law (§ 62.1-44.2 et seq.) in the sale of nutrient credits to new or expanding private facilities. The bill also removes the priority given to nutrient offsets produced from facilities that generate electricity from animal waste. The bill renames nutrient offsets as nutrient credits.

02/21/17 Senate: Passed Senate (40-Y 0-N)

**HB 2358 Water utilities; suspension of proposed rate increases.**

*Chief patron:* Ransone

Extends the maximum period that the State Corporation Commission is authorized to suspend the implementation of a proposed rate increase rates from 150 to 180 days. The measure applies only to certain investor-owned water utilities.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2383 Combined sewer overflow outfalls; DEQ to identify owner of outfall discharging into Chesapeake Bay.**

*Chief patron:* Lingamfelter

Directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Chesapeake Bay Watershed and to determine what actions by the owner are necessary to bring the outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The bill requires any owner of such an outfall to bring it into compliance with the EPA policy by July 1, 2024, and, until compliance is achieved, to annually report its progress to DEQ. The bill requires DEQ to provide all such reports to certain legislative committees, the Virginia delegation to the Chesapeake Bay Commission, the Secretary of Natural Resources, and the Governor. The bill does not apply to any outfall for which a higher level of control is necessary to comply with a TMDL.

02/25/17 Senate: Conference report agreed to by Senate (32-Y 7-N 1-A)

**HB 2477 Onsite sewage systems and private wells; VDH to take steps to eliminate site evaluation.**

*Chief patron:* Orrock

Directs the Department of Health to take certain steps to begin eliminating site evaluation and design services for onsite sewage systems and private wells provided by the Department.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 898 DEQ; combined sewer overflow (CSO) outfalls; Potomac River Watershed.**

*Chief patron:* Stuart

Directs DEQ to identify the owner of any combined sewer overflow outfall that discharges into the Potomac River Watershed and to determine what actions by the owner are necessary to bring the outfall into compliance with the Presumption Approach described in the CSO Control Policy of the U.S. Environmental Protection Agency (EPA). The bill requires any owner of such an outfall to bring it into compliance with the EPA policy by July 1, 2025, unless a higher level of control is necessary to comply with a TMDL. This bill incorporates SB 818.

02/25/17 Senate: Conference report agreed to by Senate (32-Y 7-N 1-A)

**SB 899 Reformulated gasoline; sale for farm use.**

*Chief patron:* DeSteph

Directs the Department of Environmental Quality to seek an exemption from the federal reformulated gasoline (RFG) program for conventional, ethanol-free gasoline sold for use in farm motor vehicles.

02/24/17 Senate: Conference report agreed to by Senate (40-Y 0-N)



**SB 906 Introduction of snakehead fish; penalty.**

*Chief patron:* Surovell

Prohibits the introduction of snakehead fish from any location into state waters. Current law only prohibits the introduction of snakehead fish from outside the Commonwealth.

02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 910 Virginia Oil and Gas Act; sampling and replacing contaminated wells.**

*Chief patron:* Stuart

Increases from 750 feet to 1,320 feet the radius of surface lands around gas wells on which gas well operators (i) have a right to enter and obtain water samples from water wells and (ii) are required to replace contaminated water supplies.

02/17/17 Governor: Approved by Governor-Chapter 17 (effective 7/1/17)

**SB 911 Orphaned Well Fund; surcharge.**

*Chief patron:* Stuart

Raises from \$50 to \$200 the surcharge to be paid by a gas or oil operator for a permit to conduct any activity other than geophysical operations. The bill contains technical amendments.

02/17/17 Governor: Approved by Governor-Chapter 18 (effective 7/1/17)

**SB 1127 State Water Control Board; stormwater management programs, regulations, professional license.**

*Chief patron:* Obenshain

Directs the State Water Control Board to adopt regulations requiring that all final plan elements, specifications, or calculations whose preparation requires a license in engineering, architecture, soil science, or a related profession be signed and sealed by a licensed professional. The bill requires the regulations to be effective no later than July 1, 2018, and exempts them from certain provisions of the Administrative Process Act (§ 2.2-4000 et seq.). This bill is identical to HB 2076.

02/17/17 Governor: Governor's Action Deadline Midnight, February 24, 2017

## Ethics Reform

**HB 1472 Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions.**

*Chief patron:* Lingamfelter

Provides an exception to the prohibition against contracts between employing agencies and their officers or employees for contracts by an officer or employee of a soil and water conservation district to participate in a cost-share program for the installation of best management practices to improve water quality. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under such program. The bill provides that the exception applies to all contracts entered into on and after July 1, 2017, and to any contract entered into by an officer or employee or an immediate family member of such officer or employee with a soil and water conservation district to participate in a cost-share program for the installation of best management practices to improve water quality prior to the effective date of this act.

02/23/17 Governor: Approved by Governor-Chapter 150 (effective 7/1/17)

**HB 1854 Conflicts of Interests Acts, State & Local Government & General Assembly, lobbyist, filing.**

*Chief patron:* Gilbert

Makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council (the Council), including (i) allowing the Secretary of the Commonwealth to suspend any penalty that could be assessed against a lobbyist's principal for failing to file the required disclosure if such failure is beyond the control of the principal; (ii) clarifying the procedures for terminating the services of a lobbyist; (iii) requiring that lobbyist registration forms be filed electronically; (iv) eliminating the requirement that a lobbyist list the names, addresses, and telephone numbers of all other lobbyists representing the same principal; (v) creating a separate statement for a lobbyist's principal to waive the principal signature requirement on the lobbyist disclosure form; (vi) granting the clerk of the local governing body or school board the same power as the Council to redact from any disclosure form released to the public any residential address, personal telephone number, or signature; (vii) eliminating the minimum duration of the mandatory refresher ethics orientation session for General Assembly members; (viii) allowing written informal advice from the Council to confer immunity from prosecution upon individuals acting in accordance with such advice; (ix) clarifying the Council's authority to grant extensions from the filing deadline and imposing a \$250 civil penalty on agency heads or local clerks who fail to provide the disclosure forms to filers in a timely manner; (x) requiring lobbyists to provide a report of gifts made during a regular session of the General Assembly no later than three weeks after adjournment to legislators and certain executive branch officials who are required to file a session gift report; and (xi) directing that candidates for statewide office and the General Assembly are required to file a disclosure form with the State Board of Elections and candidates for a constitutional office are required to file a disclosure form with the local general registrar. The bill also extends the filing deadline for disclosure forms from January 15 to February 1 and clarifies the reporting period covered by the disclosure forms. The bill eliminates events open to individuals who share a common interest from the definition of a "widely attended event," attendance at which is not subject to the gift cap. The bill also exempts from the definition of a "gift" (a) gifts from a person's child-in-law; (b) gifts related to a person's volunteer service; (c) meals provided for attendance at an official meeting of the Commonwealth, its political subdivisions, or certain other entities; and

(d) attendance at a reception or similar function. The bill also exempts members of the judiciary from certain provisions governing prohibited gifts and prohibited personal interests in a transaction where such members are already subject to similar or greater prohibitions under the Canons of Judicial Conduct for the State of Virginia. The bill also clarifies that a legislator may have a personal interest in a contract with a government agency, not including a legislative branch agency, when the Virginia Public Procurement Act allows the award of such contract without competition. The bill further clarifies the exceptions that allow state and local officers and employees who have a person interest in a transaction to participate in the transaction. Finally, the bill contains technical amendments. The bill contains an emergency clause that applies to the changes described in clauses (x) and (xi).

02/24/17 House: VOTE: ADOPTION EMERGENCY (94-Y 0-N)

**SB 965 State and Local Government Conflict of Interests Act; prohibited contracts.**

*Chief patron:* Hanger

Provides an exception to the prohibition against contracts between employing agencies and their officers or employees for contracts by an officer or employee of a soil and water conservation district to participate in a cost-share program for the installation of best management practices to improve water quality. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under such program. The bill provides that the exception applies to all contracts by an officer or employee or an immediate family member of such officer of or employee with a soil and water conservation district to participate in a cost-share program for the installation of best management practices to improve water quality entered into prior to July 1, 2017.

02/24/17 Senate: Bill text as passed Senate and House (SB965ER)

**SB 1312 Conflicts of Interests Acts, State & Local Government & General Assembly, lobbyist, filing.**

*Chief patron:* Norment

Makes numerous changes to the laws governing lobbyist reporting, the conflict of interest acts, and the Virginia Conflict of Interest and Ethics Advisory Council (the Council), including (i) allowing the Secretary of the Commonwealth to suspend any penalty that could be assessed against a lobbyist's principal for failing to file the required disclosure if such failure is beyond the control of the principal; (ii) clarifying the procedures for terminating the services of a lobbyist; (iii) requiring that lobbyist registration forms be filed electronically; (iv) eliminating the requirement that a lobbyist list the names, addresses, and telephone numbers of all other lobbyists representing the same principal; (v) creating a separate statement for a lobbyist's principal to waive the principal signature requirement on the lobbyist disclosure form; (vi) granting the clerk of the local governing body or school board the same power as the Council to redact from any disclosure form released to the public any residential address, personal telephone number, or signature; (vii) eliminating the minimum duration of the mandatory refresher ethics orientation session for General Assembly members; (viii) allowing written informal advice from the Council to confer immunity from prosecution upon individuals acting in accordance with such advice; (ix) clarifying the Council's authority to grant extensions from the filing deadline and imposing a \$250 civil penalty on agency heads or local clerks who fail to provide the disclosure forms to filers in a timely manner; (x) requiring lobbyists to provide a report of gifts made during a regular session of the General Assembly no later than three weeks after adjournment to legislators and certain executive branch officials who are required to file a session gift report; and (xi) directing that candidates for statewide or constitutional office and the General Assembly are required to file a disclosure form with the State Board of Elections and not the Council. The bill also extends the filing deadline for disclosure forms from January 15 to February 1 and clarifies the reporting period covered by the disclosure forms. The bill eliminates events open to individuals who share a common interest from the definition of a "widely attended event," attendance at which is not subject to the gift cap. The bill also exempts from the definition of a "gift" (a) gifts from a person's child-in-law; (b) gifts related to a person's volunteer service; (c) meals provided for attendance at an official meeting of the Commonwealth, its political subdivisions, or certain other entities; (d) gifts given on a special occasion by an individual in a bona fide personal relationship with the donee; and (e) attendance at a reception or similar function. The bill also exempts members of the judiciary from certain provisions governing prohibited gifts and prohibited personal interests in a transaction where such members are already subject to similar or greater prohibitions under the Canons of Judicial Conduct for the State of Virginia. The bill also clarifies that a legislator may have a personal interest in a

contract with a government agency, not including a legislative branch agency, when the Virginia Public Procurement Act allows the award of such contract without competition. The bill further clarifies the exceptions that allow state and local officers and employees who have a personal interest in a transaction to participate in the transaction. Finally, the bill contains technical amendments. The bill contains an emergency clause that applies to the changes described in clauses (x) and (xi).

02/25/17 House: VOTE: ADOPTION EMERGENCY (93-Y 0-N)

## Housing and Building Codes

### Building Codes

#### **HB 2203 Uniform Statewide Building Code; notice to residents of code violations.**

Requires the Department of Housing and Community Development to consider including in the current revision of the Uniform Statewide Building Code a provision designed to ensure that localities provide appropriate notice to residents of manufactured home parks of any Building Code violation by a park owner that jeopardizes the health and safety of those residents and to report to the General Assembly regarding the status of such efforts no later than November 1, 2017. The bill contains an emergency clause.

EMERGENCY

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

#### **HB 1587 Uniform Statewide Building Code; security of certain records.**

*Chief patron:* Campbell

*Summary as passed House:*

**Uniform Statewide Building Code; security of certain records.** Provides that information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall be confidential and shall not be subject to disclosure under

the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except to the applicant or the owner of the property upon the applicant's or owner's request.

02/22/17 Senate: Passed Senate (38-Y 2-N)

## Housing

### **HB 1554 Property Owners' Association Act; amendment of declaration.**

*Chief patron:* Bulova

Provides that except as otherwise provided in the declaration of a property owners' association, a declaration may be amended by a two-thirds vote of the owners. The bill is in response to the Virginia Supreme Court decision in February 2016 in Tvardek v. Powhatan Village Homeowners Association, Inc.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

### **HB 1556 Real Estate Appraiser Board; exemptions from licensure.**

*Chief patron:* Ware

Allows a licensed residential real estate appraiser, certified residential real estate appraiser, or certified general real estate appraiser to provide an evaluation of real estate or real property in connection with certain real estate-related financial transactions. This bill is identical to SB 1535.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

### **HB 1585 Housing authorities; approval for construction, etc.**

*Chief patron:* Campbell

Provides that the approval of the local governing body, including town councils, is required before a housing authority may exercise certain powers. The bill changes the

term "county or city" to "locality," which is defined under § 1-221 to mean any county, city, or town. The bill contains a technical amendment.

02/22/17 Senate: Passed Senate (40-Y 0-N)

**HB 1623 Residential rental property; foreclosure shall act as a termination agreement.**

*Chief patron:* Yancey

Removes a provision that allows a tenant to remain in a dwelling unit that has been foreclosed upon pursuant to the federal Protecting Tenants at Foreclosure Act because the Act expired on December 31, 2014, and is no longer in effect. The bill provides the foreclosure shall act as a termination of the rental agreement by the owner. In such case, the tenant may remain in possession of such dwelling unit as a month-to-month tenant on the terms of the terminated rental agreement until the successor owner gives a notice of termination of such month-to-month tenancy. The bill also provides how rental payments may be made during the period of the month-to-month tenancy. In addition, the bill requires a current owner of rental property who has entered into a written property management agreement with a managing agent and who has subsequently entered into a purchase agreement with a new owner to give written notice to the managing agent requesting payment of security deposits to the current owner prior to settlement with the new owner. The bill requires the managing agent to transfer the security deposits to the current owner and provide written notice to each tenant that his security deposit has been transferred. This bill is identical to SB 991.

02/20/17 Governor: Approved by Governor-Chapter 63 (effective 7/1/17)

**HB 1641 Disclosure of insurance policy limits; homeowners or personal injury liability insurance.**

*Chief patron:* Loupassi

Allows an injured person, the personal representative of a decedent, or an attorney representing either to request the disclosure of the liability limits of a homeowners insurance policy or personal injury liability insurance policy prior to filing a civil action for personal injuries or wrongful death from injuries sustained at the residence of another person. The party requesting this information shall provide the insurer with (i)



the date the injury was sustained; (ii) the address of the residence at which the injury was sustained; (iii) the name of the owner of the residence; (iv) the claim number, if available; (v) for personal injury actions, the injured person's medical records, medical bills, and wage-loss documentation pertaining to the injury; and (vi) for wrongful death actions, (a) the decedent's death certificate; (b) the certificate of qualification of the personal representative of the decedent's estate; (c) the names and relationships of the statutory beneficiaries of the decedent; (d) medical bills, if any; and (e) a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The bill provides that in personal injury actions, the insurer only has to disclose liability limits if the amount of the injured person's medical bills and wage losses equals or exceeds \$12,500. The bill also provides that disclosure of a policy's limits shall not constitute an admission that the alleged injury is subject to the policy. This bill is a recommendation of the Boyd-Graves Conference.

02/17/17 Governor: Approved by Governor-Chapter 44 (effective 7/1/17)

#### **HB 1697 Extension of approvals to address housing crisis.**

*Chief patron:* Marshall, D.W.

Extends the sunset date for several measures related to various land use approvals from July 1, 2017, to July 1, 2020. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2017.

02/24/17 House: VOTE: ADOPTION (92-Y 2-N)

#### **HB 1869 Virginia Residential Landlord and Tenant Act; tenant obligations.**

*Chief patron:* Lopez

Provides that in addition to complying with the terms of a rental agreement, a tenant is obligated to be financially responsible for the added cost of treatment or extermination of any insects or pests due to the tenant's unreasonable delay in reporting the existence of the insects or pests or the tenant's fault in failing to prevent infestation of any insects or pests in the area occupied.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2034 Virginia Residential Property Disclosure Act; adds two new disclosures.**

*Chief patron:* Miller

Adds two new disclosures required to be made by a seller of residential real property to a purchaser, one for whether the property is subject to one or more conservation or other easements and a second for whether the property is subject to a community development authority approved by a local governing body. The bill also (i) adds a definitions section for the Virginia Residential Property Disclosure Act, (ii) provides for electronic delivery of required disclosures, and (iii) provides that the required disclosures provided by the Real Estate Board appear on its website. The bill has numerous technical amendments.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 812 Asbestos, Lead, and Home Inspectors, Board for; home inspections, required statement.**

*Chief patron:* Marsden

Provides that whenever a home inspector observes the presence of any shade of yellow shaded corrugated stainless steel tubing during an inspection of a home built prior to the adoption of the construction code effective in 2008, his observation must be included in the inspection report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product can only be determined by a licensed electrical contractor.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 839 Virginia Consumer Protection Act; prohibited practices, etc.**

*Chief patron:* Sturtevant

Provides that it is a prohibited practice under the Virginia Consumer Protection Act for a supplier to engage in fraudulent or improper or dishonest conduct while engaged in a transaction that was initiated (i) during a declared state of emergency or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is a licensed contractor. This bill is identical to HB 1422.

02/17/17 Governor: Approved by Governor-Chapter 16 (effective 7/1/17)

### **SB 919 Removal of blight; building collapse; emergency.**

*Chief patron:* Edwards

Allows a locality to charge owners of property the cost the locality incurred in removing or repairing a building or structure on such property if permitted under the Virginia Uniform Statewide Building Code in the event of an emergency.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

### **SB 966 Residential rental property.**

*Chief patron:* Obenshain

Provides that if a residential dwelling unit is foreclosed upon and a tenant is lawfully occupying the dwelling unit at the time of the foreclosure, the foreclosure shall act as a termination of the rental agreement by the landlord. The bill also provides that, if there is in effect at the date of the foreclosure sale a written property management agreement between the landlord and a real estate licensee licensed pursuant to the provisions of § 54.1-2106.1, the foreclosure shall convert the property management agreement into a month-to-month agreement between the successor landlord and the real estate licensee acting as a managing agent, except in the event that the terms of the original property management agreement between the landlord and the real estate licensee acting as a managing agent require an earlier termination date. Except in the event of foreclosure, the bill permits a real estate licensee acting on behalf of a landlord client as a managing agent who elects to terminate the property management agreement to transfer any funds held in escrow by the licensee to the landlord client without his consent, provided that the real estate licensee provides written notice to each tenant that the funds have been so transferred. The bill provides that, in the event

of foreclosure, a real estate licensee shall not transfer any funds to a landlord client whose property has been foreclosed upon. The bill provides immunity, in the absence of gross negligence or intentional misconduct, to any such licensee acting in compliance with the provisions of § 54.1-2108.1. The bill clarifies that a tenant residing in a dwelling unit that has been foreclosed upon is eligible to file an assertion pursuant to § 55-225.12 and that a court may order any moneys accumulated in escrow to be paid to the successor landlord or the successor landlord's managing agent, if any. This bill is identical to HB 2281.

02/20/17 Governor: Approved by Governor-Chapter 67 (effective 7/1/17)

### **SB 988 Virginia Employment Commission; population projections.**

*Chief patron:* Dance

Eliminates the requirement that the Virginia Employment Commission prepare population projections for the Commonwealth for use by the General Assembly and certain state agencies.

02/17/17 Governor: Approved by Governor-Chapter 20 (effective 7/1/17)

### **SB 991 Residential rental property.**

*Chief patron:* Dance

Removes a provision that allows a tenant to remain in a dwelling unit that has been foreclosed upon pursuant to the federal Protecting Tenants at Foreclosure Act because the Act expired on December 31, 2014, and is no longer in effect. The bill provides the foreclosure shall act as a termination of the rental agreement by the owner. In such case, the tenant may remain in possession of such dwelling unit as a month-to-month tenant on the terms of the terminated rental agreement until the successor owner gives a notice of termination of such month-to-month tenancy. The bill also provides how rental payments may be made during the period of the month-to-month tenancy. In addition, the bill requires a current owner of rental property who has entered into a written property management agreement with a managing agent and who has subsequently entered into a purchase agreement with a new owner to give written notice to the managing agent requesting payment of security deposits to the current

owner prior to settlement with the new owner. The bill requires the managing agent to transfer the security deposits to the current owner and provide written notice to each tenant that his security deposit has been transferred. This bill is identical to HB 1623.

02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1037 Virginia Residential Property Disclosure Act; required disclosures; local historic districts.**

*Chief patron:* Locke

Advises a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act, upon delivery of the residential property disclosure statement wherein the owner makes no representations with respect to the presence of a historic district, to review any materials available from the locality that explain (i) any requirements to alter, reconstruct, renovate, restore, or demolish buildings or signs in the local historic district and (ii) the necessity of obtaining any local review board or governing body approvals prior to doing any work on a property located in a local historic district. This bill is a recommendation of the Virginia Housing Commission.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1123 Manufactured Home Lot Rental Act; notice of uncorrected violations.**

*Chief patron:* McPike

Provides that if a landlord does not remedy a violation of an ordinance involving the health and safety of tenants in a manufactured home park within seven days of receiving notice from the locality of such violation, the locality must notify tenants of the manufactured home park who are affected by the violation.

02/22/17 Senate: House amendment agreed to by Senate (40-Y 0-N)

**SB 1228 Va. Fair Housing Law; responsibilities with respect to use of an assistance animal in a dwelling.**

*Chief patron:* Barker

out the rights and responsibilities under the Virginia Fair Housing Law (§ 36-96.1 et seq.) with respect to maintaining an assistance animal in a dwelling. The bill establishes a process through which a person with a disability may submit a request for a reasonable accommodation to maintain an assistance animal in a dwelling, including any supporting documentation verifying the disability and disability-related need for an accommodation. Under the bill, a request for reasonable accommodation to maintain an assistance animal may be denied for any one of the following reasons: (i) the request is not reasonable because it constitutes an undue financial and administrative burden as determined on a case-by-case basis; (ii) the requester does not have a disability; (iii) the requester does not have a disability-related need for an assistance animal; (iv) the supporting documentation does not state certain specified information regarding task, service, or support performed by the assistance animal; (v) the requested assistance animal poses a direct threat to the health or safety of others or the property of others; or (vi) the insurance carrier for the owner of the dwelling would take certain adverse action based on the presence of the assistance animal. The bill provides that whenever a request for a reasonable accommodation to maintain an assistance animal in a dwelling is denied for reasons other than that the requester does not have a disability or a disability-related need for an assistance animal, an interactive process shall be initiated to determine if there is an alternative accommodation that would effectively address the disability-related need. The bill removes language providing that the terms "individual with a handicap" and the term "handicap" do not apply to an individual solely because that individual is a transvestite. The bill also defines "assistance animal," "major life activities," and "physical or mental impairment." As introduced, the bill is a recommendation of the Virginia Housing Commission.

02/24/17 House: VOTE: ADOPTION (92-Y 0-N)

### **SB 1237 Housing authorities; authorization by governing body of town.**

*Chief patron:* Chafin

Provides that the governing body of a town, in addition to the governing body of a county or city as in current law, may authorize a housing authority to contract for the construction of additional housing or acquire land for, or purchase material for the construction or installation of, any sewerage, streets, sidewalks, lights, power, water, or any other facilities for such additional housing.

02/20/17 Governor: Approved by Governor-Chapter 68 (effective 7/1/17)

**SB 1255 Condominium Act; resale by purchaser, designation of authorized representative.**

*Chief patron:* DeSteph

Provides that unless expressly authorized by the Condominium Act or the condominium instruments or as otherwise provided by law, no unit owners' association may require the use of any for sale sign that is a unit owners' association sign, or a real estate sign that does not comply with the requirements of the Real Estate Board. A unit owners' association may, however, prohibit the placement of signs in the common area and establish reasonable rules and regulations that regulate (i) the number of real estate signs to be located on real property upon which the owner has a separate ownership interest or a right of exclusive possession, so long as at least one real estate sign is permitted; (ii) the geographical location of real estate signs on real property in which the owner has a separate ownership interest or a right of exclusive possession, so long as the location of the real estate signs complies with the requirements of the Real Estate Board; (iii) the manner in which real estate signs are affixed to real property; and (iv) the period of time after settlement when the real estate signs on such real property shall be removed. The bill also prohibits a unit owners' association from requiring any unit owner to execute a formal power of attorney if the unit owner designates a person licensed by

the Real Estate Board to serve as his authorized representative in the sale of a unit. In addition, the bill authorizes the Common Interest Community Board to assess a monetary penalty against a unit owners' association or common interest community manager for the failure to deliver the resale certificate within 14 days.

02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1497 Manufactured home; excludes a park model recreation vehicle from definition.**

*Chief patron:* Carrico

Excludes a park model recreational vehicle from the definition of "manufactured home" and defines a park model recreational vehicle as a vehicle that is (i) designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;

(ii) not permanently affixed to real property for use as a permanent dwelling; (iii) built on a single chassis mounted on wheels; and (iv) certified by the manufacturer as complying with the American National Standards Institute (ANSI) A119.5 Park Model Recreational Vehicle Standard.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

## **Administration of Local Government**

### **Elections & Redistricting**

#### **HB 1428 Absentee voting; photo identification required with application.**

*Chief patron:* Fowler

Requires any voter submitting an application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device to submit with his application a copy of one of the forms of identification acceptable under current law. The bill exempts military and overseas voters and persons with a disability from this requirement.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

#### **HB 1431 Voter registration drives; compensation prohibitions.**

*Chief patron:* Cole

Prohibits any individual or group conducting a voter registration drive from compensating its volunteers or employees on the basis of the number of completed voter registration applications the volunteer or employee collects. The bill also prohibits volunteers and employees from accepting compensation based on the number of completed voter registration applications he collects.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017



**HB 1730 Description of duties and responsibilities of local electoral boards; Dept. of Elections to provide.**

*Chief patron:* Ransone

Requires the State Board of Elections, with the cooperation of the local electoral boards and general registrars, to develop a description of the duties and responsibilities of the local electoral boards. The Department of Elections is required to provide this description to the clerks of the circuit courts, the chairmen of the state and district political party committees, the general registrars, and the local electoral boards.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1912 Absentee voting; eligibility of persons granted protective order.**

*Chief patron:* Yost

Entitles a person to vote absentee if the person has been granted a protective order issued by or under the authority of any court of competent jurisdiction.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1933 Candidate withdrawal; notice of withdrawal, information to voters.**

*Chief patron:* Carr

Provides that a candidate who has qualified to have his name printed on the ballot for an election is not deemed to have withdrawn from such election until he has submitted a signed written notice declaring his intent to withdraw and that notice has been received by the general registrar. The Department of Elections is required to include in its candidate guidance documents the requirements and process for candidate withdrawal. The bill also provides that when ballots are not corrected to delete a candidate's name, the general registrar shall provide a list of candidates who have withdrawn to be posted in each polling place and made available to the public.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 872 Absentee voting; applications and ballots; photo identification required.**

*Chief patron:* Chase

Requires any voter submitting an application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device to submit with his application a copy of one of the forms of identification acceptable under current law. The bill exempts military and overseas voters and persons with a disability from this requirement.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 960 Absentee ballots; expediting counting of absentee ballots returned by mail prior to election day.**

*Chief patron:* Spruill

Provides that if a general registrar has opted to expedite the counting of absentee ballots returned by mail by opening the sealed ballot envelopes in accordance with law, the requirement that the absentee ballot return envelope and unopened ballot envelope be deposited into an appropriate container does not apply. Current law contains a contradiction that absentee ballot return envelopes and unopened ballot envelopes are to be deposited into an appropriate container while also allowing the sealed ballot envelopes to be opened so that they may be inserted into a ballot scanner machine or other secure ballot container.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 961 Absentee voting; processing of rejected absentee ballots.**

*Chief patron:* Spruill

Provides that when an absentee ballot is rejected, at least two officers of election, one representing each political party, are required to write and sign a statement for the

cause of the ballot's rejection. Currently, the law requires that a majority of the officers write and sign such statement.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1304 Municipal elections; local option for timing of elections, effective date.**

*Chief patron:* Vogel

Provides that the statutory authority allowing a city or town to move its local elections to the November general election date by ordinance notwithstanding a charter provision to the contrary shall be retroactively effective beginning on July 1, 2000, in keeping with the intent of the General Assembly when first granting such authority.

02/17/17 Governor: Governor's Action Deadline Midnight, February 24, 2017

**SB 1455 Voter registration; monetary payments for registering for another.**

*Chief patron:* Black

Provides that any person who gives, offers, or promises any monetary payment to another in exchange for that person registering to vote is guilty of a Class 1 misdemeanor. A person who solicits or accepts any monetary payment from another in exchange for his registering to vote is guilty of a Class 1 misdemeanor.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

## **Eminent Domain**

**HB 2024 Condemnation powers and proceedings; notice to owner or tenant.**

*Chief patron:* Freitas

Requires an authorized condemnor, or the Commissioner of Highways, as applicable, to give notice to the owner or tenant of freehold property subject to condemnation no

later than 15 days prior to the filing or recordation of a certificate in any "quick take" condemnation proceeding. Current law requires notice but does not provide a time frame within which such notice must be given.

02/24/17 Conference: Amended by conference committee

**SB 927 Eminent domain; timing for initiation of 'quick-take' condemnation procedure for just compensation.**

*Chief patron:* Petersen

Provides that an authorized condemnor in a "quick-take" condemnation proceeding shall institute such proceedings within 180 days of the recordation of a certificate terminating the interest of the owner of the property. Under current law, such proceedings must be instituted within 60 days after the completion of the construction of the improvements upon the property. The bill further provides that the owner of such property has 180 days after the authorized condemnor has entered upon and taken possession of the property or after the recordation of a certificate to petition the court for a determination of just compensation for the property taken or damaged by the authorized condemnor.

02/22/17 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

## **FOIA**

**HB 1539 Virginia Freedom of Information Act; public access to records of public bodies.**

*Chief patron:* LeMunyon

Clarifies the definition of public record. The bill also (i) defines "personal contact information" that is excluded from FOIA's mandatory disclosure provisions in certain cases; (ii) clarifies that a requester has the right to inspect records or receive copies at his option; (iii) clarifies language in certain record exclusions under FOIA that certain records may be disclosed at the discretion of the custodian; (iv) consolidates the personnel record exclusion with the limitation on the application of that exclusion, and

specifically clarifies that the name, in addition to position, job classification, and salary, of a public employee is public information as per opinions of the Attorney General and the FOIA Council; (v) eliminates, effective July 1, 2018, the exclusion for the Alcoholic Beverage Control Authority relating to operating and marketing strategies; (vi) eliminates the exclusion for correspondence of local officials as unnecessary; (vii) consolidates various public safety exclusions relating to building plans and drawings and critical infrastructure into a single exclusion; (viii) eliminates the exclusion for administrative investigations of the Department of Human Resource Management, as the exclusion is already covered under the personnel records exclusion; (ix) expands the exclusion for personal information provided to the Virginia College Savings Plan to cover qualified beneficiaries, designated survivors, and authorized individuals, which terms are defined in the bill; (x) consolidates the various record exclusions for the Department of Health Professions and the Department of Health into single exclusions for each Department; (xi) clarifies certain Department of Social Services exclusions; (xii) provides an exclusion for local finance boards that provide postemployment benefits other than pensions; and (xiii) eliminates the record exclusion for Virginia Wildlife Magazine. The bill also limits the application of the working papers exemption by stating that information publicly available or not otherwise subject to an exclusion under FOIA or other provision of law that has been aggregated, combined, or changed in format but does not contain a material revision to such information shall not be deemed working papers. . The bill contains numerous technical amendments. This bill is a recommendation of the Freedom of Information Advisory Council pursuant to the HJR 96 FOIA study (2014-2016).

02/16/17 Senate: Passed Senate (40-Y 0-N)

### **HB 1540 Virginia Freedom of Information Act (FOIA); public access to meetings of public bodies.**

*Chief patron:* LeMunyon

Revises FOIA's various open meeting exemptions relating to legal matters, litigation, certain museums, and the Virginia Commonwealth University Health System Authority. The bill also (i) clarifies where meeting notices and minutes are to be posted, (ii) requires copies of proposed agendas to be made available, (iii) eliminates reporting to the Joint Commission on Science and Technology when a state public body convenes an electronic communication meeting, and (iv) makes technical corrections to several open meeting exemptions to provide context for those meeting exemptions that currently only cross-reference corollary records exemptions. The bill also clarifies closed meeting procedures. The bill contains numerous technical corrections. This bill is a

recommendation of the Freedom of Information Advisory Council pursuant to the HJR 96 FOIA study (2014-2016).

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1587 Uniform Statewide Building Code; security of certain records.**

*Chief patron:* Campbell

Provides that information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall be confidential and shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except to the applicant or the owner of the property upon the applicant's or owner's request.

02/22/17 Senate: Passed Senate (38-Y 2-N)

**HB 1876 Virginia Freedom of Information Act; public access to library records of minors.**

*Chief patron:* Pogge

Excludes from mandatory disclosure library records that can be used to identify any library patron under the age of 18 years. The bill provides that access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

02/22/17 Senate: Passed Senate (40-Y 0-N)

**HB 2143 FOIA; training approved by Virginia Freedom of Information Advisory Council, online courses offered.**

*Chief patron:* LeMunyon

Requires the Freedom of Information Advisory Council to maintain on its website a listing of all FOIA officers, including name, contact information, and the name of the

public body such FOIA officers serve. The bill requires the name and contact information of FOIA officers trained by legal counsel of a public body to be submitted to the Council by July 1 of each year on a form developed by the Council for that purpose and to be updated in a timely manner in the event of any changes to such information. The bill also provides that training through an online course offered by the Council shall satisfy the annual training requirement for FOIA officers.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2144 Virginia Freedom of Information Advisory Council; increases membership, effect of missing meetings.**

*Chief patron:* LeMunyon

Increases the Virginia Freedom of Information Advisory Council from 12 members to 14 members by adding one additional member from the House of Delegates and one additional member from the Senate. The bill also provides that if any nonlegislative citizen member of the Council fails to attend a majority of meetings of the Council in a calendar year, the Council shall notify the member's appointing authority, who may, upon receipt of such notification, remove the member and appoint a successor as soon as possible.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2146 Freedom of Information Advisory Council; online public comment form.**

*Chief patron:* LeMunyon

Requires the Freedom of Information Advisory Council to develop an online public comment form to be posted on its official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body. The bill also requires all state public bodies subject to the provisions of FOIA and any county or city, and any town with a population of more than 250, to post a link on its official public government website to the online public comment form.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2178 FOIA; proprietary records and trade secrets, charitable gaming supplies.**

*Chief patron:* Hodges

Expands the existing FOIA record exclusion for information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Virginia Department of Agriculture and Consumer Services to include such information submitted by manufacturers of charitable gaming supplies. The bill also expands the exclusion to include information submitted by suppliers and manufacturers of charitable gaming supplies pursuant to regulations promulgated by the Charitable Gaming Board related to approval of electronic and mechanical equipment.

02/22/17 Senate: Passed Senate (40-Y 0-N)

**SB 1040 FOIA; record exclusion for personal contact information, definition.**

*Chief patron:* Hanger

Provides that personal contact information provided to a public body for the purpose of receiving electronic mail from the public body is excluded from the mandatory disclosure provisions of FOIA, provided that the electronic mail recipient has requested that the public body not disclose such information. The bill defines "personal contact information" as the home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device. Current law excludes "personal information," which is defined as including a broader range of information than the limited definition of personal contact information in the bill.

02/21/17 Governor: Approved by Governor-Chapter 140 (effective 7/1/17)



## Local Authority

**HB 1463** Delinquent taxes; publication of list by governing body or treasurer.

*Chief patron:* Sullivan

Authorizes the governing body of a locality and the treasurer to publish lists of certain local delinquent taxes whether or not they are based on information as it exists at the end of the fiscal year.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1476** Real property tax; special assessment for land preservation.

*Chief patron:* Orrock

Prohibits any locality from requiring any taxpayer who is the lessor of real property to produce the lease for the purpose of determining whether the property is eligible for special assessment for land preservation.

02/17/17 Governor: Approved by Governor-Chapter 25 (effective 7/1/17)

**HB 1478** Recordation tax; exemption.

*Chief patron:* Orrock

Exempts from recordation tax deeds of trust given by utility consumer services cooperatives. This bill is identical to SB 875.

02/21/17 Governor: Approved by Governor-Chapter 103 (effective 7/1/17)

**HB 1486** Arts and cultural districts.

*Chief patron:* Albo

Provides that arts and cultural districts may be created jointly by two or more localities.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1490 School board members who are called to active duty; appointment of acting school board members.**

*Chief patron:* Marshall, R.G.

Requires each school board member who is relieved from the duties of his office by reason of engaging in the war service of the United States when called forth by the Governor or being called to active duty in the Armed Forces of the United States to submit to the school board a list of names of suitable persons to perform the duties of such office as acting school board member during the period in which the regular school board member is engaged in such war service or active duty, in which case the school board is required to appoint an acting school board member from such list of names. The bill provides that during such period, the acting school board member shall be vested with all the powers, authority, rights, and duties of the regular school board member for whom he is acting.

02/23/17 House: VOTE: ADOPTION (61-Y 38-N)

**HB 1515 Circuit court clerks; electronic transfer of certain documents.**

*Chief patron:* Leftwich

Permits circuit court clerks to transfer electronically, or provide electronic access to, documents related to certain real property information to certain public officials.

02/17/17 Governor: Approved by Governor-Chapter 42 (effective 7/1/17)

**HB 1565 Local tax and regulatory incentives; green development zones.**

*Chief patron:* Webert

Authorizes localities to create green development zones that provide certain tax incentives and regulatory flexibility for up to 10 years to a business operating in an

energy-efficient building or to a business that produces products used to reduce negative impact on the environment.

02/17/17 Governor: Approved by Governor-Chapter 27 (effective 7/1/17)

**HB 1570 Local industrial development authority; Louisa County airports.**

*Chief patron:* Farrell

Authorizes Louisa County, by ordinance, to empower a local industrial development authority to acquire, own, operate, and regulate the use of airports and related facilities. The bill authorizes Louisa County to appoint members of the board of directors of the local industrial development authority to serve for terms coincident with the term of its supervisors.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1580 Possession of child pornography by employees of the Department of Social Services.**

*Chief patron:* Campbell

Provides that an employee of the Department of Social Services or a local department of social services may, in the course of conducting his professional duties, lawfully possess child pornography for a bona fide purpose.

02/20/17 Governor: Approved by Governor-Chapter 96 (effective 7/1/17)

**HB 1585 Housing authorities; approval for construction, etc.**

*Chief patron:* Campbell

Provides that the approval of the local governing body, including town councils, is required before a housing authority may exercise certain powers. The bill changes the term "county or city" to "locality," which is defined under § 1-221 to mean any county, city, or town. The bill contains a technical amendment.

02/22/2017 Senate: Passed Senate (40-Y 0-N)

**HB 1626 License tax on peddlers and itinerant merchants; adhesive license display.**

*Chief patron:* Robinson

Provides that any locality requiring an itinerant merchant to display its license at its temporary place of business shall provide to the itinerant merchant an adhesive label that satisfies such requirement.

02/17/17 Governor: Approved by Governor-Chapter 28 (effective 7/1/17)

**HB 1693 Virginia Public Procurement Act; contracts for architectural and engineering services.**

*Chief patron:* Collins

Increases the maximum permissible fee for any single project encompassed in a contract for architectural or professional engineering services relating to multiple construction projects from \$100,000 to \$150,000.

02/28/2017 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1699 Danville, City of; recordation of deeds subject to liens for unpaid taxes.**

*Chief patron:* Marshall, D.W.

Authorizes the City of Danville to establish by ordinance a pilot project requiring that no deed with an assessed value of \$50,000 or less be recorded by the clerk unless the city director of finance certifies that there are no liens against the property for unpaid taxes,

interest, or fines owed to the City of Danville. The bill requires the City of Danville to make a written report to the Virginia Housing Commission by May 31, 2020, and it expires on July 1, 2021. As introduced, the bill is a recommendation of the Virginia Housing Commission.

02/21/17 Governor: Approved by Governor-Chapter 131 (effective 7/1/17)

**HB 1712 Energy performance-based contract; cooperative procurement.**

*Chief patron:* Minchew

Authorizes a public body, defined as a contracting entity, to purchase energy conservation or operational efficiency measures from an energy performance-based contract entered into by another contracting entity pursuant to the Energy and Operational Efficiency Performance-Based Contracting Act even if the entity did not participate in the request for proposals if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure permits the use of cooperative procurement for energy conservation or operational efficiency measures in such instances. The bill provides, however, that energy conservation or operational efficiency measures shall not include roof replacement projects.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1727 State and Local Government Conflict of Interests Act; school boards and school board employees.**

*Chief patron:* Ransone

Provides that school divisions located in Planning District 17, Northern Neck, are not subject to the prohibition against hiring a school division employee who is related to a member of the school board under certain circumstances.

02/21/17 Governor: Approved by Governor-Chapter 146 (effective 7/1/17)

**HB 1740 Sanitary districts; creation by board of supervisors.**

*Chief patron:* Minchew

Transfers authority to create or enlarge sanitary districts from the circuit court with jurisdiction over the locality in which the district is located to the governing body of the county in which the district is located. The bill requires the governing body, at a hearing for the creation or enlargement of a sanitary district, to make a finding of fact of whether the action is necessary, practical, fiscally responsible, and supported by at least 50 percent of persons who own real property in (i) the proposed district or (ii) in the case of enlargement, the area proposed to be included in the existing district. The bill also requires a minimum standard regarding timeliness for hearings.

02/17/17 Governor: Approved by Governor-Chapter 14 (effective 7/1/17)

**HB 1753 Prohibit certain local government practices; contractors requirements; compensation or benefits.**

*Chief patron:* Davis

Prohibits local governing bodies from establishing provisions related to procurement of goods, professional services, or construction that would require a wage floor or any other employee benefit or compensation above what is otherwise required by state or federal law to be provided by a contractor to one or more of the contractor's employees as part of a contract with the locality. The prohibition shall not affect contracts between a locality and another party that were executed prior to January 1, 2018, or the renewal or future rebids of services thereof. The bill provides that localities shall not be prohibited from entering into contracts for economic development incentives in which the company receiving the incentives is required to maintain a certain stated wage level for its employees.

02/22/17 Senate: Passed Senate (21-Y 19-N)

**HB 1761 Regulation of taxicabs.**

*Chief patron:* Anderson

Provides that the governing body of any county, city, or town that regulates taxicabs may authorize any taxicab to operate software-based devices that utilize GPS or other measurement data in the calculation of time-and-distance fares, notwithstanding the requirements for the specifications and tolerances for measuring and weighing devices. The bill repeals the requirement that all taxicabs display roof signs and specific markings. The bill contains an emergency clause.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1770 Teacher licensure; career and technical education, certain local waivers.**

*Chief patron:* Freitas

Permits each local school board or division superintendent to waive certain enumerated licensure requirements for any teacher seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education. This bill is identical to SB 1583.

02/24/17 Governor: Approved by Governor-Chapter 247 (effective 7/1/17)

**HB 1787 Libraries, local and regional; boards not mandatory.**

*Chief patron:* Habeeb

. Provides an exemption for counties with a charter from having to create a managing library board appointed by the local governing body.

02/20/17 Governor: Approved by Governor-Chapter 64 (effective 7/1/17)

**HB 1793 Burn ban; exception for frost or freeze protection of orchard or vineyard.**

*Chief patron:* Fariss

Adds an exception to the ban on fires from February 15 through April 30 of each year for fire set for the prevention of damage to orchards or vineyards by frost or freezing temperatures.

02/13/17 Governor: Approved by Governor-Chapter 6 (effective 7/1/17)

**HB 1888 Wireless telecommunications devices; use by persons driving school buses.**

*Chief patron:* Hugo

Allows school bus drivers to use, in addition to two-way radio devices, wireless telecommunications devices used hands free to communicate with school or public safety officials.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1909 Real property tax; nonjudicial sale of tax delinquent property.**

*Chief patron:* Yost

Permits the nonjudicial sale of unimproved real property valued at less than \$5,000 if taxes are delinquent for at least three years. The bill also permits the nonjudicial sale of real property valued at no less than \$5,000 but no greater than \$20,000 if taxes are delinquent for at least three years, the property is not subject to a recorded mortgage or deed of trust lien, and the property (i) is unimproved and measures less than 4,000 square feet; (ii) is unimproved and has been determined to be unsuitable for building (the bill expands the bases on which unsuitability may rest); (iii) has a structure on it that has been condemned by the local building official; (iv) has been declared a nuisance by the locality; (v) contains a derelict building; or (vi) has been declared to be blighted by the locality. The bill also modifies current law regarding notice of the sale, redemption of the property, and application of excess proceeds. Current law permits the nonjudicial sale of unimproved real property valued at less than \$10,000 if taxes are delinquent for at least three years and the property (a) measures less than 4,000 square feet or (b) has been determined to be unsuitable for building.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017



**HB 1936 Derelict and blighted buildings; land banks, receivership.**

*Chief patron:* Carr

Authorizes a locality to petition the circuit court to appoint a land bank entity to act as a receiver in certain limited circumstances to repair derelict and blighted buildings that contains residential dwelling units.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1960 Tow truck drivers and towing and recovery operators; civil penalty for improper towing.**

*Chief patron:* Hugo

Creates a civil penalty of \$150 to be paid into the Literary Fund for any tow truck driver or towing and recovery operator convicted of improperly towing in Planning District 8 (Northern Virginia). The bill exempts tow truck drivers and towing and recovery operators in Planning District 8 from any requirement by a towing advisory board for written authorization in addition to a written contract in the event that a vehicle is being removed from private property. The bill requires that a tow truck driver in Planning District 8 immediately notify the animal control office in the locality from which the vehicle is being towed if the vehicle is occupied by a companion animal. The bill limits the membership of a local towing advisory board to only representatives of local law-enforcement agencies, representatives of licensed towing and recovery operators, and one member of the general public and requires the chairmanship of any towing advisory board within Planning District 8 to rotate annually between board members who represent a licensed towing and recovery operator, a local law-enforcement agency, and the general public.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1961 License tax, local; methodology for deducting certain gross receipts.**

*Chief patron:* Hugo

Requires the Department of Taxation to promulgate regulations that clarify the appropriate methodology for determining deductible gross receipts attributable to business conducted in another state or a foreign country. The bill requires the regulations to be based on previous Rulings of the Tax Commissioner and the decision of the Supreme Court of Virginia in *The Nielsen Company, LLC v. County Board of Arlington County*, 289 Va. 79 (2015). In that decision, the Court endorsed the Tax Commissioner's ruling to require manual accounting but to allow payroll apportionment in the event that manual accounting is impossible to use in order to calculate the deduction.

02/20/17 Governor: Approved by Governor-Chapter 50 (effective 7/1/17)

**HB 1970 Economic revitalization zones; counties may establish by ordinance.**

*Chief patron:* Landes

Grants counties authority to create economic revitalization zones. The zones shall be for the purpose of providing incentives to private entities to purchase real property and interests in real property to assemble parcels suitable for economic development. Each county establishing an economic revitalization zone may grant incentives and provide regulatory flexibility. This authority currently exists for cities.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1992 Lien priority.**

*Chief patron:* Habeeb

Inserts "real estate" in several places related to the priority of tax liens so that the operative language now reads "on a parity with liens for unpaid local real estate taxes." This bill is identical to SB 920.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1994 Zoning Appeals, Board of; clarifies provisions referring to appeal costs, includes governing body.**

*Chief patron:* Habeeb

Clarifies that provisions that currently state that appeal costs may not be awarded against the locality unless it appears to the court that the locality acted in bad faith also apply to the governing body.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2000 Sanctuary policies; prohibited.**

*Chief patron:* Poindexter

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

02/23/17 Senate Amendments Agreed to by House

**HB 2003 Local government revenues and expenditures; reports to Auditor of Public Accounts.**

*Chief patron:* Poindexter

Provides that the submittal of the comparative report by a locality to the Auditor of Public Accounts shall include a notarized statement from the chief elected official and the chief administrative officer of the locality that the locality's audited financial report has been presented to the local governing body.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2016 Electric personal delivery devices; operation on sidewalks and shared-use paths**

*Chief patron:* Villanueva

Allows for the operation of electric personal delivery devices on the sidewalks and shared-use paths and across roadways on crosswalks in the Commonwealth unless otherwise prohibited by a locality. The bill directs that such devices shall not be considered vehicles and are exempt from the motor carrier provisions of Title 46.2 (Motor Vehicles).

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2017 Virginia Public Procurement Act; bid, performance, and payment bonds, waiver by localities.**

*Chief patron:* Villanueva

Authorizes a locality to waive bid, performance, and pay bonds for nontransportation-related construction contracts in excess of \$100,000 but less than \$500,000 without having to undertake a prequalification process for bidders with a current Class A contractor license. The bill prohibits localities from entering into more than 10 such contracts per year in which the bidder's prequalification requirement has been waived. The bill contains technical amendments.

02/23/17 Senate Amendments Agreed to by House

**HB 2105 Investment of Public Funds Act; investment of funds in Virginia Investment Pool Trust Fund.**

*Chief patron:* Byron

Authorizes a treasurer to act on behalf of his locality to become a participating political subdivision in qualified investment pools without an ordinance adopted by the locality. The bill defines a qualified investment pool as one that has maintained for a year at

least 40 participants and \$400 million in invested assets. Investments in qualified investment pools pursuant to the bill are required to comply with the requirements of the Investment of Public Funds Act (§ 2.2-4500 et seq.) applicable to municipal corporations and other political subdivisions. The bill states that none of its provisions shall be construed to diminish existing legal authority of treasurers related to the investment of public funds. HB 2105 and SB 1416 are identical.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2193 Personal property tax; business property.**

*Chief patron:* Rush

Requires localities to permit taxpayers to provide an aggregate estimate of the total cost of all personal property used in a business that has an original cost of less than \$500, in lieu of a specific, itemized list. Under current law, localities are permitted to allow taxpayers to provide such estimate of aggregate cost for property whose original cost is less than \$250.

02/21/17 Governor: Approved by Governor-Chapter 116 (effective 7/1/17)

**HB 2219 Real property tax; Stafford County allowed, by ordinance, to restrict deferral of taxes.**

*Chief patron:* Dudenhefer

Allows Stafford County, by ordinance, to restrict the deferral of real property taxes authorized under current law to a taxpayer's sole dwelling whose tax levy for 2016 exceeded the tax levy for 2015 by at least 25 percent due to improvements made to adjacent property by Stafford County. The amount of the deferral shall not exceed 95 percent of such excess. This bill is identical to SB 1248.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2342 Public schools; Board of Education shall only establish regional charter school divisions.**

*Chief patron:* Landes

Authorizes the Board of Education (Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has an enrollment of more than 3,000 students and one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides transferred to such school. This bill is identical to SB 1283.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2366 Virginia Public Procurement Act; requirements for use of construction management contracts.**

*Chief patron:* Albo

Restricts the use of construction management procurements by public bodies, to include state public bodies, covered institutions as defined in the bill, and local public bodies, unless (i) the total estimated contract value is \$10 million or more, (ii) a written determination is provided stating that competitive sealed bidding is not practicable or fiscally advantageous, (iii) the contract is entered into prior to the schematic phase of design, (iv) prior alternative procurement method experience is not required as a prerequisite for an award, and (v) price is the critical basis for award of the contract. The bill provides that for projects where the total estimated contract value is not expected to exceed \$10 million, a public body may use competitive negotiation to procure

construction on a construction management basis if the above requirements are met and the project is a complex project as defined in the bill. In addition, public bodies seeking to use construction management for projects where the total estimated contract value is not expected to exceed \$10 million must also obtain written approval from the local governing body for local public bodies or from the Director of the Department of General Services for state public bodies and covered institutions. The bill also requires all such public bodies and covered institutions to (i) post on the central electronic procurement website of the Department of General Services approved projects and approved procurement methods for construction at least 30 days prior to soliciting for design services for such construction projects and (ii) report no later than November 1 of each year to the Director of the Department of General Services information on all completed capital project in excess of \$2 million, (a) the project budget, (b) the actual project cost. (c) the expected timeline, (d) the actual completion time, and (e) any post-project issues. The bill provides that the Virginia Public Procurement Act (VPPA) still applies; provided however that in the event of any conflict by the VPPA or other provision of law with the new law on construction management and design-build, the latter shall control.

02/25/17 Senate Amendments Agreed to by House

### **HB 2381 Dangerous dogs; clarifies definition, etc.**

*Chief patron:* Fariss

Removes the requirement that a law-enforcement officer or animal control officer apply for a summons requiring a dog owner to appear before a general district court when the officer has reason to believe that the dog is dangerous. In the case of a dog that has bitten a cat or dog, the bill requires investigation by an officer for certain exemptions from the definition of "dangerous dog" to apply and removes an exemption for good cause as determined by a court. In the case of a dog that has bitten a person, the bill creates an exemption when an investigating officer finds that the injury is minor and allows a court to use good cause as a reason to determine that a dog is not dangerous. The bill also reduces from 45 days to 30 days the period within which (i) an owner of a dog found to be dangerous is required to obtain a dangerous dog registration certificate

and (ii) a convicted owner of a dangerous dog is required to comply with certain provisions. The bill contains technical amendments.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 856 Cats and dogs; authorizes local government to provide for lifetime licenses.**

*Chief patron:* Hanger

Authorizes the governing body of a county or city to provide for a lifetime dog or cat license. The bill also removes the minimum annual tax for a dog or cat, sets the maximum tax for a lifetime license at \$50, and limits the fee for a duplicate dog or cat tag to \$1.

02/24/17 House: VOTE: ADOPTION (92-Y 0-N 1-A)

**SB 870 Electronic filing of land records; fee for paper filing.**

*Chief patron:* Stuart

Provides that a clerk of a circuit court that has established an electronic filing system for land records may charge a fee not to exceed \$5 per instrument for every land record filed by paper. This bill is identical to HB 2035.

02/20/17 Governor: Approved by Governor-Chapter 90 (effective 7/1/17)

**SB 873 Authority of fire chief over unmanned aircraft systems at a fire, etc.; civil liability.**

*Chief patron:* Marsden

Includes immediate airspace under the current authority of the fire chief or other officer in charge at fires, explosions, or other hazardous to maintain order at the incident.

02/23/17 Senate: House amendment agreed to by Senate (40-Y 0-N)



**SB 919 Removal of blight; building collapse; emergency.**

*Chief patron:* Edwards

Removes the phrase "after complying with the notice provisions of this section" from a subdivision authorizing a locality to charge owners of property the cost the locality incurred in removing a structure from such property.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 926 Noise violations; civil penalty.**

*Chief patron:* Petersen

Allows localities to authorize the chief law-enforcement officer in the locality to enforce a uniform schedule of civil penalties for violation of that locality's noise ordinance.

02/24/17 Senate: Bill text as passed Senate and House (SB926ER)

**SB 927 Eminent domain; timing for initiation of 'quick-take' condemnation procedure for just compensation.**

*Chief patron:* Petersen

Provides that an authorized condemnor in a "quick-take" condemnation proceeding shall institute such proceedings within 180 days of the recordation of a certificate terminating the interest of the owner of the property. Under current law, such proceedings must be instituted within 60 days after the completion of the construction of the improvements upon the property. The bill further provides that the owner of such property has 180 days after the authorized condemnor has entered upon and taken possession of the property or after the recordation of a certificate to petition the court for a determination of just compensation for the property taken or damaged by the authorized condemnor.

02/22/17 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

**SB 932 Conveyance of utility easements; transportation.**

*Chief patron:* Favola

Exempts from the public hearing requirement prior to disposal of real property by a locality the conveyance of utility easements related to transportation projects. This bill incorporates SB 1259.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 936 Constitutional officers; local leave benefits.**

*Chief patron:* Favola

Authorizes constitutional officers who have contracted with a county or city to grant vacation and sick leave to their employees under the locality's benefits leave policy instead of the state required leave policy as long as the leave amounts are not less than the state required policy.

02/22/17 House: VOTE: PASSAGE (99-Y 1-N)

**SB 964 Running bamboo; cutting by localities; ordinance prohibiting spread; designation of certain plants.**

*Chief patron:* Hanger

Authorizes any locality to adopt an ordinance requiring proper upkeep of running bamboo and prohibiting the spread of running bamboo from a landowner's property, with violations punishable by a civil penalty not to exceed \$50 for a first violation and not to exceed \$200 for a subsequent violation within 12 months. The bill includes running bamboo in the "other foreign growth" category that current law allows localities to regulate and in some cases to cut. The bill also directs the Department of Conservation and Recreation (DCR) and the Virginia Department of Agriculture and Consumer Services (VDACS) to develop a model running bamboo ordinance and, with the Department of Forestry, to enter into a Memorandum of Understanding that

clarifies the roles of the VDACS noxious weeds regulations and the work of the Virginia Invasive Species Working Group. Finally, the bill directs VDACS and DCR to examine the eligibility of certain plants for designation as noxious weeds. This bill is identical to HB 2154.

02/23/17 Governor: Approved by Governor-Chapter 213 (effective 7/1/17)

**SB 967 Local industrial development authorities; port authority.**

*Chief patron:* Cosgrove

Permits the City Council of Chesapeake to transfer the powers of the Chesapeake Port Authority to the Chesapeake Economic Development Authority. Such transfer has the effect of dissolving the Chesapeake Port Authority.

02/23/17 Governor: Approved by Governor-Chapter 162 (effective 7/1/17)

**SB 1003 Wireless E-911 Fund; distribution percentages.**

*Chief patron:* Ebbin

Postpones from July 1, 2017, to July 1, 2018, the date by which the Department of Taxation is required to conduct its first recalculation of the percentage of funds in the Wireless E-911 Fund that is required to be distributed to each public safety answering point (PSAP). The recalculation is required to be based on the cost and call load data of each PSAP for the previous five fiscal years. This bill is identical to HB 1719.

02/17/17 Governor: Approved by Governor-Chapter 22 (effective 7/1/17)

**SB 1054 Fire alarms; maliciously activating, penalty.**

*Chief patron:* Stuart

Removes the condition that a building must be for public use in order for the Class 1 misdemeanor for maliciously activating a building's fire alarm to apply. The bill

authorizes any locality to provide by ordinance that a person convicted of maliciously activating a fire alarm shall be liable for the reasonable expense in responding to such a fire alarm. Current law allows such an ordinance to impose liability for the reasonable expense of an emergency response to an imitation version of a weapon of terrorism, fire bomb, other explosive device, bomb threat, or incitement of a bomb threat. The bill increases the maximum amount that a locality or volunteer emergency medical services agency may recover under such an ordinance from \$1,000 to \$2,500.

02/22/17 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

## Local Revenues

### **HB 1455 Real property tax; partial exemption for certain commercial and industrial structures.**

*Chief patron: Ware*

Reduces from 20 years to 15 years the minimum age of a structure in a technology zone that is rehabilitated for commercial use that qualifies the rehabilitated structure for a partial exemption from real property taxes. Under current law, a 15-year age minimum applies only to structures located in an enterprise zone designated by the Commonwealth, and a 20-year age minimum applies in all other situations. The bill contains technical amendments.

02/17/17 Governor: Approved by Governor-Chapter 24 (effective 7/1/17)

### **HB 1476 Real property tax; special assessment for land preservation.**

*Chief patron: Orrock*

Prohibits any locality from requiring any taxpayer who is the lessor of real property to produce the lease for the purpose of determining whether the property is eligible for special assessment for land preservation.

02/17/17 Governor: Approved by Governor-Chapter 25 (effective 7/1/17)

**HB 1478 Recordation tax; exemption.**

*Chief patron:* Orrock

Exempts from recordation tax deeds of trust given by utility consumer services cooperatives. This bill is identical to SB 875.

02/21/17 Governor: Approved by Governor-Chapter 103 (effective 7/1/17)

**HB 1518 Sales and use tax; automotive repair supplies.**

*Chief patron:* Knight

Requires that sales and use tax be collected on the separately stated charges of supplies used during the repair of automobiles, whether or not title or possession of the supplies passes to the customer. Under current law, the tax is paid on such supplies at the time the supplies are purchased by the automobile repairer.

02/21/17 Governor: Approved by Governor-Chapter 104 (effective 7/1/17)

**HB 1529 Temporary exemption periods from retail sales and use taxes for qualifying items; sunset dates.**

*Chief patron:* Ward

Extends from July 1, 2017, to July 1, 2022, the sunset dates for the sales tax holiday periods for school supplies and clothing, Energy Star and WaterSense products, and hurricane preparedness products. This bill is identical to SB 1018.

02/17/17 Governor: Approved by Governor-Chapter 26 (effective 7/1/17)

**HB 1543 Sales and use tax exemption; audiovisual productions and equipment.**

*Chief patron:* Robinson

Extends the sunset date from July 1, 2019, to July 1, 2022, for the sales and use tax exemption on the transfer of certain audio or visual productions and equipment used in making such productions.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1565 Local tax and regulatory incentives; green development zones.**

*Chief patron:* Webert

Authorizes localities to create green development zones that provide certain tax incentives and regulatory flexibility for up to 10 years to a business operating in an energy-efficient building or to a business that produces products used to reduce negative impact on the environment.

02/17/17 Governor: Approved by Governor-Chapter 27 (effective 7/1/17)

**HB 1668 Retail Sales and Use Tax; exempts legal tender coins.**

*Chief patron:* Stolle

Exempts legal tender coins whose total transaction sales price exceeds \$1,000 from sales and use tax and extends from January 1, 2019, to June 30, 2022, the same exemption for gold, silver, or platinum bullion. The bill has a delayed effective date of January 1, 2018. The provisions of the bill expire on June 30, 2022. This bill is identical to SB 934.

02/20/17 Governor: Approved by Governor-Chapter 48 (effective 1/1/18)

**HB 1719 Wireless E-911 Fund; distribution percentages.**

*Chief patron:* Anderson

Postpones from July 1, 2017, to July 1, 2018, the date by which the Department of Taxation is required to conduct its first recalculation of the percentage of funds in the Wireless E-911 Fund that is required to be distributed to each public safety answering point (PSAP). The recalculation is required to be based on the cost and call load data of each PSAP for the previous five fiscal years. This bill is identical to SB 1003.

02/23/17 House: Impact statement from TAX (HB1719ER)

**HB 1884 Real property tax; exemption for certain surviving spouses.**

*Chief patron:* Hugo

Authorizes localities to exempt the primary residence of the surviving spouse of a law-enforcement officer, firefighter, search and rescue personnel, and emergency medical services personnel who is killed in the line of duty. The exemption does not apply to that portion of the value of the residence in excess of the average assessed value of dwellings in the locality. The bill is pursuant to Article X, Section 6-B of the Constitution of Virginia, which was adopted by the voters in 2016.

02/24/17 Governor: Approved by Governor-Chapter 248 (effective 7/1/17)

**HB 1889 License taxes, local; exemption for certain defense production businesses.**

*Chief patron:* Hugo

Clarifies that the exemption for wholesale manufacturers from local license taxes includes a manufacturer that is also a defense production business selling manufacturing, rebuilding, repair, and maintenance services at the place of manufacture to the United States or for which consent of the United States is required. This bill is identical to SB 1274.

02/21/17 Governor: Approved by Governor-Chapter 111 (effective 7/1/17)

**HB 1890 Sales and use tax; collection of taxes from consuming contractors.**

*Chief patron:* Hugo

Removes the exception that persons selling certain products, such as window shades, kitchen equipment, and countertops, are deemed to be retailers and not consuming contractors for purposes of collecting sales and use tax, even if they intend to install such items for contractors. Generally, tangible personal property incorporated into real property is deemed to have been purchased for consumption by the contractor. This bill is identical to SB 1308.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2058 Sales and use tax; nexus for out-of-state businesses.**

*Chief patron:* Watts

Provides that storage of inventory in the Commonwealth is sufficient nexus to require out-of-state businesses to collect sales and use tax on sales to customers in the Commonwealth. This bill is identical to SB 962.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2193 Personal property tax; business property.**

*Chief patron:* Rush

Requires localities to permit taxpayers to provide an aggregate estimate of the total cost of all personal property used in a business that has an original cost of less than \$500, in lieu of a specific, itemized list. Under current law, localities are permitted to allow taxpayers to provide such estimate of aggregate cost for property whose original cost is less than \$250.

02/21/17 Governor: Approved by Governor-Chapter 116 (effective 7/1/17)



**HJ 562 Const. amend. (first resolution); real property tax; exemption for surviving spouse of disabled vet.**

*Chief patron:* Miyares

Provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the spouse's moving to a different principal place of residence.

02/17/17 Senate: Agreed to by Senate (39-Y 0-N)

**SB 804 Retail Sales and Use Tax; media-related exemptions.**

*Chief patron:* Hanger

Extends from July 1, 2017, to July 1, 2022, the expiration of the retail sales and use tax exemption for printing purchased by an advertising business from a printer in the Commonwealth, so long as such material is distributed outside of the Commonwealth.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 854 Unpaid court fines, etc.; increases grace period for collection.**

*Chief patron:* Stanley

Increases the grace period after which collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced from 30 days to 90 days after sentencing or judgment.

02/25/17 Senate: Conference report agreed to by Senate (40-Y 0-N)

**SB 875 Recordation tax; exemption.**

*Chief patron:* Ruff

Exempts from recordation tax deeds of trust given by utility consumer services cooperatives. This bill is identical to HB 1478.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 920 Lien priority.**

*Chief patron:* Edwards

Inserts "real estate" in several places related to the priority of tax liens so that the operative language now reads "on a parity with liens for unpaid local real estate taxes." This bill is identical to HB 1992.

02/21/17 Governor: Approved by Governor-Chapter 118 (effective 7/1/17)

**SB 934 Retail Sales and Use Tax; exempts legal tender coins.**

*Chief patron:* Wagner

Exempts legal tender coins whose total transaction sales price exceeds \$1,000 from sales and use tax through June 30, 2022, and extends from January 1, 2019, to June 30, 2022, the expiration of the same exemption for gold, silver, or platinum bullion. The bill has a delayed effective date of January 1, 2018. This bill is identical to HB 1668.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 962 Sales and use tax; nexus for out-of-state businesses.**

*Chief patron:* Hanger

Provides that storage of inventory in the Commonwealth is sufficient nexus to require out-of-state businesses to collect sales and use tax on sales to customers in the Commonwealth. This bill is identical to HB 2058.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1018 Temporary exemption periods from retail sales and use taxes for qualifying items; sunset dates.**

*Chief patron:* Barker

Extends from July 1, 2017, to July 1, 2022, the sunset dates for the sales tax holiday periods for school supplies and clothing, Energy Star and WaterSense products, and hurricane preparedness products. This bill is identical to HB 1529.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1211 Vehicle license fees and taxes, local; collection by counties and adjoining towns.**

*Chief patron:* Wexton

**Local vehicle license fees and taxes.** Allows counties and adjoining towns to enter into reciprocal agreements to collect each other's vehicle license fees and taxes. Currently, such collection is limited to nondelinquent license fees and taxes.

02/21/17 Governor: Approved by Governor-Chapter 119 (effective 7/1/17)

**SB 1274 License taxes, local; exemption for certain defense production businesses.**

*Chief patron:* McDougle

Clarifies that the exemption for wholesale manufacturers from local license taxes includes a manufacturer that is also a defense production business selling manufacturing, rebuilding, repair, and maintenance services at the place of manufacture to the United States or for which consent of the United States is required. This bill is identical to HB 1889.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1296 County food and beverage tax; referendum.**

*Chief patron:* Vogel

Prohibits a county from holding a new referendum on the levy of a food and beverage tax in the three calendar years subsequent to its electoral defeat, but only if such referendum is initiated by a resolution of the board of supervisors. The bill also requires the ballot for any such referendum to state the total tax, as a percentage, that would be imposed on food and beverage if the referendum were to pass, based upon a four percent food and beverage tax and any other ad valorem taxes applicable to the purchase of prepared food and beverage in the county.

02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1308 Sales and use tax; collection of taxes from consuming contractors.**

*Chief patron:* McDougle

Removes the exception that persons selling certain products, such as window shades, kitchen equipment, and countertops, are deemed to be retailers and not consuming contractors for purposes of collecting sales and use tax, even if they intend to install such items for contractors. Generally, tangible personal property incorporated into real property is deemed to have been purchased for consumption by the contractor. This bill is identical to HB 1890.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1328 Enterprise zone grants and tax credits; qualified real property improvement expenditures.**

*Chief patron:* Carrico

Provides that an expenditure for an improvement to real property may qualify for a grant or tax credit regardless of whether it is capitalized or deducted as a business expense under federal Treasury Regulations.

02/21/17 Governor: Approved by Governor-Chapter 118 (effective 7/1/17)

## **State Revenues**

**HB 1478 Recordation tax; exemption.**

*Chief patron:* Orrock

Exempts from recordation tax deeds of trust given by utility consumer services cooperatives. This bill is identical to SB 875.

02/21/17 Governor: Approved by Governor-Chapter 103 (effective 7/1/17)

**HB 1518 Sales and use tax; automotive repair supplies.**

*Chief patron:* Knight

Requires that sales and use tax be collected on the separately stated charges of supplies used during the repair of automobiles, whether or not title or possession of the supplies passes to the customer. Under current law, the tax is paid on such supplies at the time the supplies are purchased by the automobile repairer.

02/21/17 Governor: Approved by Governor-Chapter 104 (effective 7/1/17)

**HB 1529 Temporary exemption periods from retail sales and use taxes for qualifying items; sunset dates.**

*Chief patron:* Ward

Extends from July 1, 2017, to July 1, 2022, the sunset dates for the sales tax holiday periods for school supplies and clothing, Energy Star and WaterSense products, and hurricane preparedness products. This bill is identical to SB 1018.

02/17/17 Governor: Approved by Governor-Chapter 26 (effective 7/1/17)

**HB 1532 Fire Programs Fund.**

*Chief patron:* Wright

Increases the share of certain moneys in the Fund to be allocated to localities for the improvement of volunteer and career fire services from 75 percent to 80 percent. The measure has a delayed effective date of January 1, 2018.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1543 Sales and use tax exemption; audiovisual productions and equipment.**

*Chief patron:* Robinson

Extends the sunset date from July 1, 2019, to July 1, 2022, for the sales and use tax exemption on the transfer of certain audio or visual productions and equipment used in making such productions.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1738 Retail sales and use tax; aviation parts, engines, and supplies.**

*Chief patron:* Anderson

Creates an exemption from the retail sales and use tax for parts and supplies used for maintaining, repairing, or reconditioning aircraft, including unmanned aerial systems. The exemption does not apply to tools and other items that are not attached to or

become a part of the aircraft. The exemption will be effective from July 1, 2018, to June 30, 2022.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1814 Worker retraining and telework expenses; extends sunset date for tax credits.**

*Chief patron:* Ware

Extends from taxable years prior to January 1, 2018, to taxable years prior to January 1, 2022, the sunset date for the worker retraining tax credit and transfers the certification of eligible worker retraining programs from the Department of Small Business and Supplier Diversity to the Virginia Economic Development Partnership Authority. The bill also extends from taxable years prior to January 1, 2017, to taxable years prior to January 1, 2022, the sunset date for the telework expenses tax credit. This bill is identical to SB 1576.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2058 Sales and use tax; nexus for out-of-state businesses.**

*Chief patron:* Watts

Provides that storage of inventory in the Commonwealth is sufficient nexus to require out-of-state businesses to collect sales and use tax on sales to customers in the Commonwealth. This bill is identical to SB 962.

02/20/17 Governor: Approved by Governor-Chapter 51 (effective 7/1/17)

**HB 2074 Income tax, state and corporate; subtraction for Virginia venture capital account investment.**

*Chief patron:* Rush

Establishes for taxable years beginning January 1, 2018, an individual and corporate income tax subtraction for income derived from an investment in a Virginia venture capital account, defined in the bill as an investment fund that makes at least 50 percent

of its investments in qualified portfolio companies and employs at least one investor with at least four years' experience in venture capital investment or substantially equivalent experience. The bill defines "qualified portfolio company" as a Virginia-headquartered company that has a primary purpose of production, sale, research, or development of a product or service and provides equity in exchange for the investment. An income tax subtraction would be available only for an investment made on or after January 1, 2018.

02/20/17 Governor: Approved by Governor-Chapter 53 (effective 7/1/17)

**HB 2246 Virginia Tax Amnesty Program; established.**

*Chief patron:* Jones

Establishes the Virginia Tax Amnesty Program to be administered by the Department of Taxation (the Department) during the 2017-2018 fiscal year for not less than 60 nor more than 75 days, as determined by the Tax Commissioner. The Program will be open to any taxpayer that is required but has failed to file a return or to pay any tax administered by the Department. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting, or underreporting of tax liabilities, will be waived upon payment of the taxes and interest. For purposes of implementing the Program, the Department is exempt from the project management and procurement oversight of the Virginia Information Technologies Agency. This bill is identical to SB 1438.

02/20/17 Governor: Approved by Governor-Chapter 53 (effective 7/1/17)

**HB 2460 Historic rehabilitation; limits amount of tax credits that may be claimed by each taxpayer.**

*Chief patron:* Bloxom

Limits the amount of historic rehabilitation tax credits that may be claimed by each taxpayer to \$5 million per year, including any amounts carried over from prior taxable years. The limit is in effect for taxable years beginning on and after January 1, 2017.

02/24/17 Senate: Conference report agreed to by Senate (31-Y 9-N)



**SB 875 Recordation tax; exemption.**

*Chief patron:* Ruff

Exempts from recordation tax deeds of trust given by utility consumer services cooperatives. This bill is identical to HB 1478.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 912 Virginia taxable income of residents; reorganization of additions, subtractions, and deductions.**

*Chief patron:* Edwards

Reorganizes the provisions of the Code of Virginia related to the calculation of Virginia taxable income of residents. Current law sets out the additions, subtractions, deductions, and other modifications in one lengthy section. The reorganization creates four new, smaller sections for additions, subtractions, deductions, and other modifications, respectively, but does not make any substantive changes to the calculation of Virginia taxable income. The bill contains numerous technical amendments. This bill is a recommendation of the Virginia Code Commission.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 934 Retail Sales and Use Tax; exempts legal tender coins.**

*Chief patron:* Wagner

Exempts legal tender coins whose total transaction sales price exceeds \$1,000 from sales and use tax through June 30, 2022, and extends from January 1, 2019, to June 30, 2022, the expiration of the same exemption for gold, silver, or platinum bullion. The bill has a delayed effective date of January 1, 2018. This bill is identical to HB 1668.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 962 Sales and use tax; nexus for out-of-state businesses.**

*Chief patron:* Hanger

Provides that storage of inventory in the Commonwealth is sufficient nexus to require out-of-state businesses to collect sales and use tax on sales to customers in the Commonwealth. This bill is identical to HB 2058.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 963 Land preservation tax credit; per taxpayer limitation.**

*Chief patron:* Hanger

Extends to taxable year 2017 the \$20,000 limit on the amount that a taxpayer may claim per year under the land preservation tax credit. The bill retains the \$50,000 limit for each subsequent taxable year.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1018 Temporary exemption periods from retail sales and use taxes for qualifying items; sunset dates.**

*Chief patron:* Barker

Extends from July 1, 2017, to July 1, 2022, the sunset dates for the sales tax holiday periods for school supplies and clothing, Energy Star and WaterSense products, and hurricane preparedness products. This bill is identical to HB 1529.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1286 Land preservation tax credits; withholding tax of nonresident owners.**

*Chief patron:* Obenshain

Provides that the two percent transfer fee for land preservation tax credits shall not apply to a distribution of credits to a nonresident owner of a pass-through entity when

such credits are applied by the pass-through entity to the withholding tax of the nonresident owner.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1308 Sales and use tax; collection of taxes from consuming contractors.**

*Chief patron:* McDougle

Removes the exception that persons selling certain products, such as window shades, kitchen equipment, and countertops, are deemed to be retailers and not consuming contractors for purposes of collecting sales and use tax, even if they intend to install such items for contractors. Generally, tangible personal property incorporated into real property is deemed to have been purchased for consumption by the contractor. This bill is identical to HB 1890.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1328 Enterprise zone grants and tax credits; qualified real property improvement expenditures.**

*Chief patron:* Carrico

Provides that an expenditure for an improvement to real property may qualify for a grant or tax credit regardless of whether it is capitalized or deducted as a business expense under federal Treasury Regulations.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

## Planning and Land Use

### Land Conservation, Open Spaces, Park Lands

**HB 1476** Real property tax; special assessment for land preservation.

*Chief patron:* Orrock

Prohibits any locality from requiring any taxpayer who is the lessor of real property to produce the lease for the purpose of determining whether the property is eligible for special assessment for land preservation.

02/17/17 Governor: Approved by Governor-Chapter 25 (effective 7/1/17)

**HB 1781** Farmers' markets; farm and forest land conversion; plans.

*Chief patron:* Plum

Removes the requirements that certain agencies analyze the impact of regulations on the conversion of farm and forest lands and that the Commissioner of Agriculture and Consumer Services summarize the reports of the operators of state-owned farmers' markets to the General Assembly.

02/13/17 Governor: Approved by Governor-Chapter 5 (effective 7/1/17)

**HB 2319** National Flood Insurance Program; participation by affected localities, report.

*Chief patron:* Miyares

Requires the Secretary of Natural Resources to issue a report by November 1, 2018, listing any locality not participating in the Community Rating System of the National Flood Insurance Program and recommending any legislation necessary to encourage participation.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HJ 640 Public Lands Day.**

*Chief patron:* Lopez

Designates the last Saturday in September, in 2017 and in each succeeding year, as Public Lands Day in Virginia.

Passed

**SB 963 Land preservation tax credit; per taxpayer limitation.**

*Chief patron:* Hanger

Extends to taxable year 2017 the \$20,000 limit on the amount that a taxpayer may claim per year under the land preservation tax credit. The bill retains the \$50,000 limit for each subsequent taxable year.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 932 Conveyance of utility easements; transportation.**

*Chief patron:* Favola

Exempts from the public hearing requirement prior to disposal of real property by a locality the conveyance of utility easements related to transportation projects. This bill incorporates SB 1259.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1286 Land preservation tax credits; withholding tax of nonresident owners.**

*Chief patron:* Obenshain

Provides that the two percent transfer fee for land preservation tax credits shall not apply to a distribution of credits to a nonresident owner of a pass-through entity when

such credits are applied by the pass-through entity to the withholding tax of the nonresident owner.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

## **Land Use & Growth Management**

### **HB 1565 Local tax and regulatory incentives; green development zones.**

*Chief patron:* Webert

Authorizes localities to create green development zones that provide certain tax incentives and regulatory flexibility for up to 10 years to a business operating in an energy-efficient building or to a business that produces products used to reduce negative impact on the environment.

02/17/17 Governor: Approved by Governor-Chapter 27 (effective 7/1/17)

### **HB 1697 Extension of approvals to address housing crisis.**

*Chief patron:* Marshall, D.W.

Extends the sunset date for several measures related to various land use approvals from July 1, 2017, to July 1, 2020. The bill also expands the scope of such measures that will be subject to the extension to include those measures approved by January 1, 2017.

02/01/17 Senate Amendments Approved by the House

### **HB 1766 Utility Facilities Act; associated facilities of an electrical transmission line.**

*Chief patron:* Habeeb

Provides that the issuance by the State Corporation Commission of a certificate of public convenience and necessity for construction of an electrical transmission line of 138

kilovolts and any associated facilities shall be deemed to satisfy local comprehensive plan requirements and all local zoning ordinances with respect to the transmission line and associated facilities. The measure defines "associated facilities" as including any station, substation, transition station, and switchyard facilities to be constructed outside of any county operating under the county executive form of government that is located in Planning District 8 (e.g., Prince William County) in association with the 138 kilovolt transmission line.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1797 Proffers; notice of amendment.**

*Chief patron:* Stolle

Provides that when any landowner applies to the governing body for amendments to proffered conditions, direct mail notice shall be given to those directly affected by the amendment.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2108 Virginia Wireless Services Authority Act; rates and charges.**

*Chief patron:* Byron

Provides that a wireless services authority may fix rates, fees, and charges for services provided, or facilities owned, operated, or maintained by the authority, for which the authority has received loan funding. Currently, an authority may do so only if it has issued revenue bonds. A similar change authorizes rates to be set at levels to provide for payment of loans. The measure also requires each authority to maintain records demonstrating compliance with certain provisions and to make the records available for inspection and copying by the public pursuant to the Virginia Freedom of Information Act.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2469 Zoning; delinquent charges.**

*Chief patron:* Jones

Provides that the local treasurer may give authorization in an instance where a land use applicant is required to first provide satisfactory evidence that various taxes or charges have been paid.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 932 Conveyance of utility easements; transportation.**

*Chief patron:* Favola

Exempts from the public hearing requirement prior to disposal of real property by a locality the conveyance of utility easements related to transportation projects. This bill incorporates SB 1259.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1034 Historic rehabilitation; limits amount of tax credits that may be claimed by each taxpayer.**

*Chief patron:* Howell

Limits the amount of historic rehabilitation tax credits that may be claimed by each taxpayer to \$5 million per year, including any amounts carried over from prior taxable years. The limit is in effect for taxable years beginning on and after January 1, 2017, but before January 1, 2018.

02/24/17 House: VOTE: ADOPTION (88-Y 4-N 1-A)



**SB 1173 Vested property rights; nonconforming uses.**

*Chief patron:* Obenshain

Provides that if a structure is one that requires no permit, and an authorized local government official informs the property owner that the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. The provisions of the bill are declared to not be deemed retroactive.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1203 Working waterfront development areas; establishment.**

*Chief patron:* Lewis

. Authorizes localities, by ordinance, to establish a working waterfront development area and grant certain incentives and regulatory flexibility to private entities for the development of working waterfronts in such area.

02/17/17 Governor: Governor's Action Deadline Midnight, February 24, 2017

**SB 1282 Wireless communications infrastructure; procedure for approved by localities.**

*Chief patron:* McDougle

Provides a uniform procedure for the way in which small cell facilities on existing structures are approved by localities and approved and installed in public rights-of-way. The measure includes provisions that establish requirements applicable to the location of micro-wireless facilities. The measure also addresses restrictions by localities and the Department of Transportation regarding the use of public rights-of-way or easements.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1559 Zoning appeals, board of; recipient to receive notice of zoning violation.**

*Chief patron:* Petersen

Requires that the recipient of certain notices from the board of zoning appeals receive notice via certified mail, last known address, or usual abode prior to the commencement of the 30-day appeal period.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1578 Short-term rental of property; registration of persons offering property for rental.**

*Chief patron:* Norment

Authorizes a locality to adopt an ordinance requiring the registration of persons offering property for short-term rental. The bill defines "short-term rental" as the provision of a room or space suitable for sleeping or lodging for less than 30 consecutive days. Persons and entities already licensed related to the rental or management of property by the Board of Health, the Real Estate Board, or a locality would not be required to register. The bill authorizes localities to impose fees and penalties on persons who violate the registry ordinance or who offer short-term rentals that have multiple violations of state or federal laws or ordinances, including those related to alcoholic beverage control. The bill amends the Alcoholic Beverage Control (ABC) Act to clarify that certain property rented on a short-term basis is considered a bed and breakfast establishment for purposes of ABC licensing and that the exception from ABC licensing for serving alcoholic beverages to guests in a residence does not apply if the guest is a short-term lessee of the residence.

02/22/17 HOUSE: VOTE: PASSAGE (86-Y 14-N)

# Transportation

## Funding

**HB 1514 Doctor of medicine, etc.; reporting disabilities of drivers to DMV, not subject to civil liability.**

*Chief patron:* Fowler

Provides that any doctor of medicine, osteopathy, chiropractic, or podiatry or any nurse practitioner, physician assistant, optometrist, physical therapist, or clinical psychologist who reports to the Department of Motor Vehicles the existence, or probable existence, of a mental or physical disability or infirmity of any person licensed to operate a motor vehicle that the reporting individual believes affects such person's ability to operate a motor vehicle safely is not subject to civil liability or deemed to have violated the practitioner-patient privilege unless he has acted in bad faith or with malicious intent. This bill is identical to SB 1024.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 806 Interstate 73 Corridor Development Fund and Program.**

*Chief patron:* Stanley

Establishes the Interstate 73 Corridor Development Fund and Program and reallocates to the I-73 Fund the \$40 million from state recordation taxes that is currently allocated annually to the U.S. Route 58 Corridor Development Fund and Program. All provisions of the bill are contingent upon construction of and payments for Route 58 being completed.

02/23/17 Senate: House amendment agreed to by Senate (34-Y 6-N)

**SB 886 Gas severance tax.**

*Chief patron:* Chafin

Extends the sunset date from January 1, 2018, to January 1, 2020, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii)

the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. This bill is identical to HB 2169.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1004 Judicial discretion for toll violations.**

*Chief patron:* Ebbin

Requires a court to consider extenuating circumstances in assessing civil penalties for toll violations.

02/01/17 Senate: Incorporated by Transportation (SB954-DeSteph) (13-Y 0-N)

**SB 1350 Motor vehicle sales and use tax; refund to purchaser.**

*Chief patron:* Deeds

Allows a purchaser to be refunded any motor vehicle sales and use tax paid if the vehicle is returned pursuant to the Virginia Motor Vehicle Warranty Act, or if the vehicle is returned within 45 days of purchase, and the purchase price is refunded, due to a mechanical defect or failure. The bill requires a person claiming the refund due to a mechanical defect or failure to submit an affidavit to the Commissioner of the Department of Motor Vehicles stating that the vehicle was returned due to a mechanical defect or failure, the purchase price was refunded, the title was assigned to the person accepting the return, and the purchaser no longer has possession of the vehicle.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1532 Motor vehicle license fees; exemption of antique vehicles.**

*Chief patron:* Lewis

Exempts a motor vehicle, trailer, or semitrailer that is licensed as an antique vehicle from the imposition of local license fees.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1591 Economic Development Access Program; bonded projects.**

*Chief patron:* Carrico

Imposes a 48-month moratorium on the repayment of funds allocated to a locality for a bonded project pursuant to the Economic Development Access Program, provided that the conditions of the Commonwealth Transportation Board's economic development access policy are met. The bill has an emergency clause. The bill is identical to HB 1973.

EMERGENCY

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

## **Transportation Policy**

**HB 1440 Farm use vehicles; imposes \$250 fine for violating limitations while operating unregistered vehicle.**

*Chief patron:* Bell, Richard P.

. Imposes a \$250 fine for willfully and intentionally violating the limitations for the use of farm use vehicles on a highway for a second or subsequent violation. Current law allows for a fine of up to \$250 regardless of the number of previous violations.

02/23/17 Governor: Approved by Governor-Chapter 204 (effective 7/1/17)

**HB 1494 Driver's license; examination of drivers believed incompetent.**

*Chief patron:* Knight

Requires the Medical Advisory Board for the Department of Motor Vehicles to provide guidance and recommendations to the Department regarding any case of a person determined to be incompetent pursuant to an examination by a physician, nurse practitioner, or physician assistant and whose driver's license has been revoked if such person appeals the decision on the basis of medical evidence in the case.

02/21/17 Governor: Approved by Governor-Chapter 120 (effective 7/1/17)

**HB 1504 Driver's license or learner's permit; issuance, minimum standards for vision tests.**

*Chief patron:* Fowler

Increases the minimum visual acuity an applicant must possess for issuance of a driver's license or learner's permit from a field of 100 degrees of horizontal vision in one or both eyes to a field of 110 degrees of horizontal vision in one or both eyes. This bill is identical to SB 1229.

02/21/17 Governor: Approved by Governor-Chapter 121 (effective 7/1/17)

**HB 1514 Doctor of medicine, etc.; reporting disabilities of drivers to DMV, not subject to civil liability.**

*Chief patron:* Fowler

Provides that any doctor of medicine, osteopathy, chiropractic, or podiatry or any nurse practitioner, physician assistant, optometrist, physical therapist, or clinical psychologist who reports to the Department of Motor Vehicles the existence, or probable existence, of a mental or physical disability or infirmity of any person licensed to operate a motor vehicle that the reporting individual believes affects such person's ability to operate a motor vehicle safely is not subject to civil liability or deemed to have violated the practitioner-patient privilege unless he has acted in bad faith or with malicious intent. This bill is identical to SB 1024.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1525 Driver's licenses; revocation or suspension, laws of other jurisdictions.**

*Chief patron:* Albo

Provides that the Commissioner of the Department of Motor Vehicles is limited to reviewing the text of another jurisdiction's law when determining whether a person's driver's license should be administratively revoked or suspended as a result of such person's conviction in the other jurisdiction for an offense substantially similar to an

offense under the law of the Commonwealth that requires revocation or suspension of a person's driver's license. The bill also provides that if the Commissioner cannot reasonably determine from the text of the other jurisdiction's law whether such law is substantially similar to the law of the Commonwealth, the Commission may, if available, review a certified copy of the final order of the person's conviction in the other jurisdiction. The bill also establishes a process for any person whose driver's license was administratively revoked or suspended prior to July 1, 2017, on the basis of a conviction in another jurisdiction to request a review of such revocation or suspension.

02/25/17 House: VOTE: ADOPTION (92-Y 0-N)

**HB 1622 Commercial vehicles; harmonizes penalties for driving under the influence (DUI) and commercial DUI.**

*Chief patron: Collins*

Harmonizes the penalties for driving under the influence (DUI) and commercial DUI. The bill imposes a \$250 mandatory minimum fine for a first offense of commercial DUI and mandatory minimum sentences of five days if the person's blood alcohol level was at least 0.15 and 10 days if the person's blood alcohol level was more than 0.20. The bill increases from five to 20 days the mandatory minimum sentence for a second offense committed within five years, adds a 10-day mandatory minimum sentence for a second offense committed within five to 10 years, and imposes a \$500 mandatory minimum fine for any second offense committed within a 10-year period. The bill also imposes additional mandatory minimum sentences for a second offense committed within 10 years of 10 days if the person's blood alcohol level was at least 0.15 and 20 days if the person's blood alcohol level was more than 0.20 as well as an additional \$500 mandatory minimum fine. The bill raises the penalty for a third offense committed within 10 years from a Class 1 misdemeanor with a mandatory minimum sentence of 10 days, or 30 days if the three offenses were committed within five years, to a Class 6 felony with a mandatory minimum sentence of 90 days, or six months if the three offenses were committed within five years, and a mandatory minimum fine of \$1,000. The bill adds a penalty for a fourth or subsequent offense committed within a 10-year period that includes a mandatory minimum sentence of one year and a mandatory minimum fine of \$1,000. The bill also provides that a person convicted of commercial DUI after being convicted of certain felony DUI or DUI-related offenses is guilty of a Class 6 felony with a mandatory minimum sentence of one year and a mandatory minimum fine of \$1,000. The bill also provides that the punishment for any person

convicted of commercial DUI who was transporting a minor at the time of the offense shall include an additional mandatory minimum sentence of five days and an additional fine of at least \$500 and no more than \$1,000. Finally, the bill provides that the mandatory minimum punishments are cumulative and mandatory minimum sentences must be served consecutively.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1687 Nonrepairable and rebuilt vehicles; eliminates certain requirement sunset provision, report.**

*Chief patron:* Austin

Eliminates the requirement that nonrepairable and rebuilt vehicles have incurred damage that exceeds 90 percent of their cash value prior to such damage to meet the definition of nonrepairable and rebuilt vehicles. The bill sunsets on June 30, 2021, and requires the Department of Motor Vehicles to report to the Chairmen of the House and Senate Committees on Transportation on whether there is any impact on the number of salvage and nonrepairable vehicle certificates issued over a three-year time period both before and after passage of the bill.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1836 Spotsylvania Parkway; VDOT to maintain a certain segment beginning in 2020.**

*Chief patron:* Orrock

Requires the Virginia Department of Transportation, as of July 1, 2020, to take over maintenance of an approximately two-mile segment of Spotsylvania Parkway that is currently maintained pursuant to a 2005 "Easement and Cost Sharing Agreement" unless the homeowners association that is party to such cost-sharing agreement and Spotsylvania County reach a new road maintenance agreement prior to July 1, 2020.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1878 Suspension of license; person legally adjudged incompetent.**

*Chief patron:* Pogge

Clarifies the roles of the courts and the Commissioner of the Department of Motor Vehicles with regard to persons previously legally adjudged incapacitated and not



competent to drive or whose license has been suspended following discharge from a facility operated or licensed by the Department of Behavioral Health and Developmental Services. The bill provides that under all such circumstances, the Department reserves the right to examine any licensed driver, any person applying for a driver's license or renewal thereof, or any person whose license has been suspended or revoked to determine his fitness to drive a motor vehicle with safety to persons and property. The bill contains an emergency clause.

EMERGENCY

02/23/17 Governor: Approved by Governor-Chapter 156 (effective 2/23/17)

**HB 2137 Northern Virginia Transportation Authority; regional transportation plan.**

*Chief patron:* LeMunyon

Requires the Northern Virginia Transportation Authority to annually publish on its website any land use or transportation elements of a locality's comprehensive plan that each locality embraced by the Authority is currently required to report when such locality's plan is inconsistent with the Authority's regional transportation plan. Additionally, the bill requires the Authority to consider for revision and revise as necessary its regional transportation plan at least once every five years. The Authority is required to specify any obstacles to achieving a reduction in congestion in Planning District 8 and any need for cooperation by other regional entities. The bill has a delayed effective date of July 1, 2018.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2138 Transportation planning, state and local; adoption of comprehensive plan in Northern Virginia.**

*Chief patron:* LeMunyon

Provides that in its adoption of any comprehensive plan in Planning District 8 (Northern Virginia) or review of a proposed rezoning in Planning District 8 (Northern Virginia), the Department of Transportation shall consider the transportation impact of the proposed plan or rezoning on any transportation facility for which a reduction in the level of service is anticipated as a result of the proposed plan or rezoning.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2139 Highways, Commissioner of; annual report requirements.**

*Chief patron:* LeMunyon

Requires that the Commissioner of Highways, in his annual report, report specifically about transportation projects approved or modified during the prior fiscal year and include a listing of the total number of lane miles of all primary and secondary roads that have been resurfaced and all primary and secondary roads that are rated "poor" or "very poor."

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2201 Failure to drive on right side of highways or observe traffic lanes; increases penalties.**

*Chief patron:* O'Quinn

Increases the fine for failing to drive on the right side of highways or failing to observe traffic lanes from no more than \$250 to \$250 per violation.

02/25/17 House: VOTE: ADOPTION (89-Y 8-N)

**HB 2239 Farm use vehicles, certain; registration exemption, highway distance limitations.**

*Chief patron:* Fariss

from 50 to 75 miles the maximum travel distance allowable for travel to obtain supplies or from one part of the owner's land to another by a vehicle used for agricultural or horticultural purposes in order to qualify for exemption from the requirements to obtain a registration certificate, license plates, or decals and pay a registration fee. The bill also increases from 50 to 75 miles the maximum travel distance allowable by vehicles used for seasonal transportation of farm produce and from 20 to 75 miles the maximum travel distance allowable for vehicles owned by farmers and used to transport wood products in order to qualify for such exemption. The bill also provides that any law-enforcement officer may require any person operating a vehicle, trailer, or semitrailer and claiming the farm use exemption to provide, upon request, the address of the farm or lands owned or leased by the vehicle's owner, or if such address is unavailable or unknown, the real property parcel identification number of such lands.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2244 Public-Private Transportation Act of 1995; changes name of Advisory Committee.**

*Chief patron:* Jones

Changes the Transportation Public-Private Partnership Advisory Committee to the Transportation Public-Private Partnership Steering Committee and provides that the Deputy Secretary of Transportation on the Committee serves as the chairman of the Committee. The bill provides that the responsible public entity may grant approval for the development and/or operation of a transportation facility by a private entity if that entity can develop and/or operate the transportation facility for less cost than the Department of Transportation (VDOT) or the Department of Rail and Public Transportation (DRPT). The bill requires the chief executive officer of the responsible public entity to certify in writing to the Governor and the General Assembly that there has been no material change since the finding of public interest that the public contribution requested by the private entity does not exceed the maximum public contribution. The bill clarifies that the finding of public interest by the Steering Committee shall be made after receipt of responses to the request for qualifications and prior to the issuance of the first draft request for proposals. The bill requires the responsible public entity, when such entity is VDOT or DRPT, to ensure competition through the procurement process and develop a public sector analysis of the cost for the responsible entity to develop and/or operate the transportation facility. The bill requires VDOT or DRPT and the Steering Committee to review the public sector analysis prior to the initiation of any procurement. The bill adds to the information required to be included in the finding of public interest a description of the benefits expected to be realized by the responsible public entity and a public sector analysis demonstrating that the private sector can deliver the project for less cost than the responsible public entity. This bill is identical to SB 1322.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2269 Motor vehicle safety inspection; Superintendent shall provide information upon written request.**

*Chief patron:* Villanueva

Authorizes the Superintendent of State Police to provide, upon request, verification of the inspection status of a vehicle and to charge a reasonable fee for providing such information. Fees shall not be charged to government or other public entities.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2362 Tow truck drivers; issuance of temporary registration by Department of Criminal Justice Services.**

*Chief patron:* Pogge

Allows for the issuance of temporary registration or driver authorization documentation by the Department of Criminal Justice Services for tow truck drivers, effective upon the submission of an application and until the issuance or denial of permanent registration.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2463 Highways, Commissioner of; commercial establishment entrances.**

*Chief patron:* Hodges

Requires the Commissioner of Highways to document and maintain a list of anyone who has requested an onsite meeting with the resident engineer or his staff for the purpose of connecting commercial establishment entrances to the paved part of the highway. The bill requires that such list include recommendations regarding compliance with the Department of Transportation's design standards and access management regulations and the Commonwealth Transportation Board's regulations regarding land use permits, as well as associated cost estimates. The bill requires such list be provided to a locality upon request.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2474 Virginia Coalfields Expressway Authority; established, report.**

*Chief patron:* Pillion

Creates the Virginia Coalfields Expressway Authority to improve the transportation into, from, within, and through Southwest Virginia, assist in regional economic development, and generally enhance highway safety in the affected localities through development of a proposed Coalfields Expressway. The bill regulates the membership and duties of the Authority.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 817 Restricted driver's license; purposes.**

*Chief patron:* Surovell

Adds travel to and from a job interview to the list of purposes for the issuance of a restricted driver's license. The bill provides that a person issued a restricted driver's license for this purpose is required to maintain on his person written proof from the prospective employer of the date, time, and location of the job interview.

02/23/17 Senate: House amendment agreed to by Senate (40-Y 0-N)

**SB 932 Conveyance of utility easements; transportation.**

*Chief patron:* Favola

Exempts from the public hearing requirement prior to disposal of real property by a locality the conveyance of utility easements related to transportation projects. This bill incorporates SB 1259.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1021 Failure to obey highway sign where driver sleeping or resting; prepayable offense.**

*Chief patron:* Barker

Provides that a violation of a highway sign where a driver has parked or stopped his vehicle on the shoulder of the highway in order to sleep or rest is a prepayable offense unless such vehicle is parked or stopped in such manner as to impede or render dangerous the shoulder or other portion of the highway.

02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1041 Virginia Driver's Manual course; age requirements.**

*Chief patron:* Cosgrove

Lowers from 19 to 18 the minimum age of persons who have failed the driver knowledge examination three times who are permitted to take the Virginia Driver's

Manual course offered by a licensed and approved driver training school as a prerequisite of attempting the driver knowledge examination a fourth time.

02/20/17 Governor: Approved by Governor-Chapter 73 (effective 7/1/17)

**SB 1364 Property and bulk property carriers; regulation, combines authorities.**

*Chief patron:* Newman

Combines the current property carrier and bulk property carrier authorities and eliminates the current license requirement for property brokers. The bill eliminates the requirement for the Department of Motor Vehicles to issue specially designated license plates for property-carrying vehicles operated for hire. The bill reduces insurance limits for carriers operating vehicles with a gross vehicle weight rating in excess of 7,500 pounds but not in excess of 10,000 pounds from \$750,000 to \$300,000. The bill reduces current liability coverage requirements for property carriers from \$750,000 to \$50,000 per person, \$100,000 per incident for death and bodily injury, and \$25,000 for property damage for passenger cars, motorcycles, autocycles, and vehicles with a gross vehicle weight rating of 7,500 pounds or less. The bill has a delayed effective date of October 1, 2017. The bill incorporates SB 1219 and SB 1435.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1366 Transportation network company partner; vehicle registration repeal.**

*Chief patron:* Newman

Removes the requirement that a transportation network company (TNC) partner register his personal vehicle for use as a TNC partner vehicle with the Department of Motor Vehicles. The bill allows the Department of State Police to recognize another state's annual motor vehicle safety inspection in lieu of a Virginia inspection and clarifies that a TNC partner can keep proof of inspection in or on the vehicle. The bill contains an emergency clause. This bill is identical to HB 2019.

EMERGENCY

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1384 Motor carrier size and weight limitations; with federal law.**

*Chief patron:* Carrico

Amends several size and weight provisions to comply with the federal Fixing America's Surface Transportation Act of 2015 (the FAST Act). The bill (i) allows automobile and watercraft carriers to backhaul general cargo; (ii) permits the commercial delivery of towaway trailers within limits prescribed by the FAST Act; (iii) increases the weight limits of certain emergency vehicles, natural gas vehicles, and emergency towing vehicles as required by the FAST Act; (iv) increases the weight at which a vehicle must be inspected at a permanent weighing station; (v) makes overweight permits available for tank vehicles hauling fluid milk; and (vi) permits contractors of a Medicaid Managed Care Organization to obtain a certificate of fitness as a nonemergency medical transportation carrier.

02/23/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1421 Condemnation proceeding; interest on the amount of award.**

*Chief patron:* Mason

Provides that the interest on an award in a condemnation proceeding that is greater than the amount that the condemnor deposited with the court shall accrue at the judgment rate of interest.

02/23/17 Senate: House amendment agreed to by Senate (40-Y 0-N)

**SB 1494 Transportation network company; brokers allowed to arrange rides with TNC.**

*Chief patron:* McClellan

Allows brokers to arrange rides with transportation network company (TNC) partner vehicles. The bill requires such brokers to be licensed by the Department of Motor Vehicles and includes insurance requirements for TNC partner vehicles operating at the request of a broker.

02/28/17 Senate: Enrolled Bill Communicated to Governor on 2/28/17

## Unfunded Mandates

**HB 1571** Workers' compensation; fees for medical services.

*Chief patron:* Farrell

Provides that the pecuniary liability of an employer for a medical service provided for the treatment of a traumatic injury or serious burn includes liability for any professional service rendered during the dates of service of the admission or transfer to a Level I or Level II trauma center or to a burn center, as applicable. The measure increases the initial charge outlier threshold, which under the stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims, from 150 percent of the maximum fee for the service set forth in the applicable fee schedule to 300 percent of such amount. The measure allows the Workers' Compensation Commission to adjust the charge outlier threshold percentage; under existing law, it is allowed only to decrease the percentage. The measure also (i) expands the definition of codes, as used in the provision directing the Commission to establish fee schedules for scheduled medical services, to include revenue codes, which are defined in the bill; (ii) clarifies the definition of "HCPCS codes"; (iii) directs the Commission to use the regulatory advisory panel on all matters involving or related to the fee schedule as deemed necessary by the Commission; (iv) adds a definition of "new type of technology"; and (v) extends the deadline by which the regulatory advisory panel is required to meet, review, and make recommendations to the Commission from July 1, 2017, to July 1, 2018. The bill contains an emergency clause.

EMERGENCY

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1578** Students who receive home instruction; participation in interscholastic programs (Tebow Bill).

*Chief patron:* Bell, Robert B.

Prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic



years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2022.

02/22/17 House: Governor's Veto Passed by until Wednesday, April 5, 2017

**HB 1600 Landfills; DEQ, et al., to work towards odor reduction in Campbell County.**

*Chief patron:* Fariss

Any active sanitary landfill that receives more than 100,000 tons of solid waste per year and is located within one-half mile of any residence or residentially zoned property to install a landfill gas collection and control system by July 1, 2019.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1720 Flag at half staff or mast; public safety personnel.**

*Chief patron:* Anderson

Expands the category of flags required to be flown at half staff or mast when a service member, police officer, firefighter, or emergency medical services provider is killed in the line of duty to include flags flown at any building owned and operated by any political subdivision of the Commonwealth.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 1728 Air transportation services providers; VDH to review rules for use in medical situations.**

*Chief patron:* Ransone

Directs the Department of Health to convene a work group to review the rules governing use of air transportation services, also known as air ambulances, in emergency medical situations and protocols for the dispatch of air transportation services in response to emergency medical situations and to provide recommendations for changes to such rules or protocols. The Department shall report its findings and recommendations to the Governor and the General Assembly by December 1, 2017.

02/23/17 Governor: Approved by Governor-Chapter 172 (effective 7/1/17)

**HB 2174 School boards; annual report on pupil/teacher ratios in elementary, middle, etc., school classrooms.**

*Chief patron:* Murphy

Requires each school board to annually report to the public the actual pupil/teacher ratios in middle school and high school.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2179 Form of ballot; order of independent candidates, required paperwork.**

*Chief patron:* Sickles

Provides that when there is more than one independent candidate for an office, their names shall appear on the ballot in an order determined by the priority of time of filing all required paperwork for the office. In the event that two or more candidates file simultaneously, the order of filing is determined by lot by the electoral board. Currently, this order applies only to the names of candidates for school board, and the names of all other independent candidates appear alphabetically.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 941 Forensic discharge planning services; local and regional correctional facilities.**

*Chief patron:* Cosgrove

Directs the Commissioner of Behavioral Health and Developmental Services, in conjunction with the relevant stakeholders, to develop a comprehensive plan, by November 1, 2017, for the provision of forensic discharge planning services at local and regional correctional facilities for persons who have serious mental illnesses who are to be released from such facilities. This bill is identical to HB 1784.

02/21/17 Governor: Approved by Governor-Chapter 137 (effective 7/1/17)

**SB 951 School service providers; student access to collected personal information.**

*Chief patron:* Ruff

Requires school service providers to provide, either directly to the student or his parent or through the school, access to an electronic copy of such student's personal information in a manner consistent with the functionality of the school service. The bill permits contracts between local school boards and school service providers to require that such electronic copy be in a machine-readable format.

02/23/17 Senate: Title replaced 17105484D-H1

**SB 1118 Line of Duty Act; Act includes firefighter trainees.**

*Chief patron:* McPike

Includes a person with a recognized membership status with a fire company or department who is enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or required to become a certified firefighter under the Line of Duty Act.

02/22/17 House: VOTE: BLOCK VOTE PASSAGE (100-Y 0-N)

**SB 1313 Regional jails; reimbursement of capital costs of construction, etc., to locality.**

*Chief patron:* McDougle

Provides that on or after July 1, 2017, the Commonwealth shall reimburse a locality a maximum of one-fourth of the capital costs for any regional jail construction,

enlargement, or renovation project that has been approved by the Governor on or after July 1, 2017, and specifically authorized in the general appropriation act.

02/23/17 Governor: Approved by Governor-Chapter 211 (effective 7/1/17)

**SB 1523 Teachers turnover; exit questionnaire.**

*Chief patron:* Mason

Requires the Department of Education to develop and oversee a pilot program to administer across five geographically and demographically diverse school divisions the model exit questionnaire for teachers developed by the Superintendent of Public Instruction, analyze the results of each such questionnaire, and include such results and analysis in the Superintendent's annual report beginning in 2018. The bill requires the Department to (i) administer such questionnaire to each teacher who ceases to be employed by the relevant school board for any reason and (ii) collect, maintain, and report on the results of each such questionnaire in a manner that ensures the confidentiality of each teacher's name and other personally identifying information. This bill is identical to HB 2140.

02/24/17 Governor: Approved by Governor-Chapter 255 (effective 7/1/17)

## **Other Issues**

**HB 1686 Planning district commissions; Indian tribes; membership.**

*Chief patron:* Hodges

Permits certain Indian tribes recognized by the federal government to join planning district commissions as members and to negotiate the terms of such membership.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2055 Rural Coastal Virginia Community Enhancement Authority; created, report.**

*Chief patron:* Hodges

Establishes the Rural Coastal Virginia Community Enhancement Authority, consisting of the 12 counties within the Northern Neck, Middle Peninsula, and Accomack-Northampton planning districts. The Authority is created for the purpose of serving as a regional economic development body and represents a partnership of the Commonwealth, the planning districts, and the 12 counties of the coastal region. The Authority shall be governed by a 15-member board. The Authority may seek and approve loans and solicit donations, grants, and any other funding from the Commonwealth, the federal government, and regional, local government, and private entities to carry out its purposes, powers and duties. Also, the Authority will (i) assist the region in obtaining necessary job training or employment-related education, leadership and civic development, and business development, especially entrepreneurship for the coastal region; (ii) provide special assistance to distressed and underdeveloped counties within the coastal region; and (iii) fund demonstration projects, and conduct research, evaluations, and assessments of the coastal region's assets and needs.

02/28/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2203 Uniform Statewide Building Code; notice to residents of code violations.**

*Chief patron:* Torian

Requires the Department of Housing and Community Development to consider including in the current revision of the Uniform Statewide Building Code a provision designed to ensure that localities provide appropriate notice to residents of manufactured home parks of any Building Code violation by a park owner that jeopardizes the health and safety of those residents and to report to the General Assembly regarding the status of such efforts no later than November 1, 2017. The bill contains an emergency clause.

EMERGENCY

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**HB 2425 Administration, Secretary of; policy of the Commonwealth regarding state employment.**

*Chief patron:* Anderson

Provides that it is the policy of the Commonwealth to promote and increase the employment of individuals with disabilities. To further this policy, the bill establishes a goal to increase by five percent the level of individuals with disabilities employed by state government by fiscal year 2023. The bill designates the Secretary of Administration to coordinate efforts to achieve the goal and requires the Secretary to establish a reporting system for tracking and reporting the progress of state agencies toward meeting the employment goals and to report annually on the number of individuals with disabilities employed by the state. The bill requires each state agency to submit a plan to increase employment opportunities for individuals with disabilities to the Secretary no later than December 31, 2017, and each July 1 thereafter. This bill is identical to SB 1530.

02/21/17 Governor: Governor's Action Deadline Midnight, March 27, 2017

**SB 1042 Virginia Resources Authority.**

*Chief patron:* Dance

Transfers the responsibility for the Virginia Resources Authority from the Secretary of Commerce and Trade to the Secretary of Finance. This bill is identical to HB 2151.

02/17/17 Governor: Approved by Governor-Chapter 31 (effective 7/1/17)

**SJ 295 Constitutional amendment (first resolution); legislative review of administrative rules.**

*Chief patron:* Vogel

Grants to the General Assembly the authority to review any administrative rule to ensure it is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement, or enforce. The amendment provides that after such review, the General Assembly may approve or reject, in whole or in part, any rule as

provided by law and that the approval or rejection of a rule by the General Assembly shall not be subject to veto by the Governor.

02/21/2017 Senate Amendments Approved by the House