

# *Key Bills for Planners:*

*Virginia General  
Assembly 2018 Session*



American Planning Association  
**Virginia Chapter**

*Making Great Communities Happen*



## TABLE OF CONTENTS

Energy and Environment	
Energy Efficiency	2
Environment and Water Resources	8
Ethics Reform	13
Housing and Building Codes	
Building Codes	14
Housing	14
Administration of Local Government	
Elections & Redistricting	19
Eminent Domain	19
FOIA	20
Local Authority	23
Local Revenue	27
State Revenue	32
Planning and Land Use	
Land Conservation	33
Land Use and Growth Management	33
Transportation	
Funding	39
Transportation Policy	41
Other Issues	47

## Energy Efficiency

### **HB 508 Solar facilities; local regulation.**

*Chief patron:* Hodges

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

### **HB 509 Comprehensive plan; solar facilities.**

*Chief patron:* Hodges

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

### **HB 1451 Net energy metering; SCC to establish pilot program for schools generating electricity.**

*Chief patron:* Sullivan

Directs Dominion Virginia Energy to conduct a pilot program, not exceeding 10 megawatts in the aggregate, under which any public school in the Commonwealth

that generates more electricity from a wind-powered or solar-powered generation facility than it consumes in a billing period may either credit the excess electricity to the metered accounts of one or more other schools in the school division or be paid for the excess electricity at the contractually negotiated rate.

**HB 1555 Hydroelectric plant; revenue sharing agreement among certain localities.**

*Chief patron:* Pillion

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

**SB 72 Electric distribution lines; minimum height upon or over agricultural land.**

*Chief patron:* Cosgrove

Requires that electric distribution lines installed on or after July 1, 2018, upon or over agricultural land shall be placed at a height that is not less than the minimum height requirement that applies to the placement of such lines above road crossings.

**SB 179 Comprehensive plan; solar facilities.**

*Chief patron:* Stanley

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

**SB 780 Hydroelectric plant; revenue sharing agreement among certain localities.**

*Chief patron:* Chafin

Requires the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Tazewell, and Wise and the City of Norton to enter into a perpetual revenue sharing agreement regarding a certain electric storage or generation facility to be located in one of these localities. The measure establishes the percentage of the revenue to be allocated to

each locality and provides that the host locality shall receive an additional share of six percent of the revenue. Any direct costs of infrastructure improvements incurred by the host locality for purposes of the facility will be allocated among the localities in the same proportion as the revenues from the facility. This bill is identical to HB 1555.

**SB 902 Property tax; exemption for solar energy equipment and facilities.**

*Chief patron:* Lucas

Limits the property tax exemption for solar equipment and facilities owned and operated by a business, which exemption currently applies to 80 percent of the assessed value of certain projects, to those projects equaling less than 150 megawatts.

**SB 922 Electric utilities; rates and tariffs.**

*Chief patron:* Chafin

Directs the State Corporation Commission to exclude any debt associated with an electric utility's securitized bonds that are the obligation of non-Virginia jurisdictional customers from the capital structure and cost of capital of the utility when regulating its rates, terms, and conditions of service. The measure also authorizes a utility to request an adjustment to a tariff that is revenue neutral to the utility during a biennial filing that does not result in an overall rate change.

**SB 966 Electric utility regulation; grid modernization, energy efficiency.**

*Chief patron:* Wagner

Provides that, in lieu of the biennial review proceedings previously required, Dominion Energy Virginia (DEV) and Appalachian Power (APCo) will be subject to triennial reviews of their rates, terms, and conditions for generation, distribution, and transmission services. The measure advances the termination of the Transitional Rate Period for DEV by three years, to December 31, 2016. The termination of the Transitional Rate Period for APCo remains December 31, 2017. DEV's first review after its Transitional Rate Period will be held in 2021, which is one year earlier than currently scheduled, and will utilize the four 12-month test periods beginning January 1, 2017, and ending December 31, 2020. APCo's first review after its Transitional Rate Period will be held in 2020, which is unchanged, and will utilize the three 12-month test periods beginning January 1, 2017, and ending December 31, 2019. The measure also (i) requires the State Corporation Commission (SCC) to enter its final order on petitions for approval of a voluntary rate or rate design test or experiment by the earlier of not more than six months after the filing of the petition or three months after the hearing on the petition; (ii) excludes from the definition of "public utility" for purposes of the Utility Facility Act a company that provides storage of electric energy that is not for sale to the public, if the company is not organized as a public utility; (iii) authorizes an investor-owned electric utility, if a cable operator does not elect to relocate facilities underground when the electric utility relocates its

facilities underground, to either convey poles to the cable operator or retain ownership of the poles; (iv) provides that an energy efficiency program proposed by an electric or natural gas utility is in the public interest if the net present value of the benefits exceeds the net present value of the costs as determined by any three of four benefit cost tests; (v) exempts large general service customers from being charged any costs of new energy efficiency programs; (vi) establishes a new rate adjustment clause category for expenses of electric distribution grid transformation projects, which include advanced metering infrastructure, intelligent grid devices, automated control systems for electric distribution circuits and substations, communications networks for service meters, certain distribution system hardening projects, physical security measures at key distribution substations, cyber security measures, certain energy storage systems and microgrids, electrical facilities and infrastructure for electric vehicle charging systems, LED street light conversions, and new customer information platforms; (vii) declares that electric distribution grid transformation projects are in the public interest; (viii) provides that the costs of such projects may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (ix) directs the SCC to approve, without consideration of their reasonableness or prudence, the costs of the conversion of an investor-owned electric utility's existing overhead distribution tap lines with new underground facilities if the average cost per customer does not exceed \$20,000 and the costs per mile do not exceed \$750,000, provided that as of December 31, 2028, any costs recovered by a utility for such purpose is limited to the remaining costs for conversions previously approved or for which approval is pending; (x) requires SCC to enter an order on a petition for approval of an electric distribution grid transformation project within six months after the petition's filing; (xi) increases the amount of capacity of solar and wind generation facilities constructed by a utility that are in the public interest from 50 megawatts to 5,000 megawatts, including rooftop solar installations with a capacity of not less than 50 kilowatts; (xii) declares that offshore wind generation facilities with a capacity of not more than 16 megawatts, and all onshore wind generation facilities, are in the public interest and that the costs thereof may be recovered either through a rate adjustment clause or through a customer credit reinvestment offset; (xiii) provides that if DEV has not commenced construction of an offshore wind generation facility by July 1, 2023, the SCC may cease its rate adjustment clause and roll the costs into its rate base without increasing base rates; (xiv) requires certain costs related to generation plant facilities fueled by coal, natural gas, or oil or for automated meter reading electric distribution service meters and costs associated with projects necessary to comply with state or federal environmental laws, regulations, or judicial or administrative orders relating to coal combustion by-product management that the utility does not petition to recover through a rate adjustment clause to be deemed to have been recovered through customer rates during the test period under review unless doing so would place the utility in an under-earning position, in which event the SCC is required to authorize deferred recovery of such costs and allow the utility to amortize and

recover the deferred costs over future periods; (xv) bars the SCC, in the first triennial review proceeding conducted after January 1, 2021, from ordering a rate increase for DEV and from ordering a rate decrease of more than \$50 million; (xvi) allows utilities, upon request, to reduce or eliminate amounts of overearnings that otherwise would be required to be credited to customers by applying a customer credit reinvestment offset for expenses on new solar and wind generation facilities and electric distribution grid transformation projects, if the utility has invested in such projects an amount not less than 100 percent of the amount of its overearnings; (xvii) provides that the portion of the costs associated with new utility-owned solar or wind generation facilities or with electric distribution grid transformation projects that are the subject of a customer credit reinvestment offset shall not be thereafter recoverable through the utility's base rates or a rate adjustment clause; (xviii) requires APCo to continue funding its pilot program for energy assistance and weatherization for low-income, elderly, and disabled individuals at no less than the existing levels, and requires DEV to fund its similar pilot program at no less than \$13 million annually; (xix) directs the SCC to find that prior to January 1, 2024, the construction or purchase by a public utility of certain solar or wind generation facilities, or the purchase by a public utility of energy, capacity, and environmental attributes from such solar facilities, is in the public interest, and requires 25 percent of the generation capacity from such facilities to be from the purchase by a public utility of energy, capacity, and environmental attributes from solar facilities owned by persons other than a public utility; (xx) requires all of such solar generation capacity located in the Commonwealth to be subject to competitive procurement but allows a public utility to select solar generation capacity without regard to whether such selection satisfies price criteria if the selection of the solar generating capacity materially advances non-price criteria if such non-price solar generating capacity selected does not exceed 25 percent of the utility's solar generating capacity; (xxi) authorizes a utility to petition the SCC for a prudency determination for a solar or wind project; (xxii) requires electric utilities to file updates to its integrated resource plan (IRP) in each year immediately preceding the year the utility is subject to a triennial review filing rather than annually; and (xxiii) requires each electric utility's IRP to evaluate long-term electric distribution grid planning and proposed electric distribution grid transformation projects and developing a long-term plan for energy efficiency measures to accomplish policy goals of reduction in customer bills, reduction in emissions, and reduction in carbon intensity. The provision creating the customer credit reinvestment offset expires on July 1, 2028. The measure also includes enactment clauses that (a) establish a pilot program consisting of the approval of the underground construction of two electrical transmission lines and directs the SCC to approve as a qualifying project a transmission line that appears to track the I-66 Hybrid Route that has been considered in the application of DEV for the Haymarket transmission line project in Prince William County and approve a rate adjustment clause to allow the utility to recover from the utility's Virginia jurisdictional customers the costs of the project; (b)

bar APCo from recovering \$10 million of incurred fuel costs; (c) require DEV to provide current customers voluntary bill credits of \$133 million in 2018 and \$67 million in 2019; (d) require reductions in the rates for incumbent electric utilities to reflect reductions in federal tax liability resulting from the enactment of federal tax legislation, including reductions in 2018 of \$50 million by APCo and \$125 million by DEV; (e) direct the SCC to conduct pilot programs for the deployment of electric power storage batteries with capacity limits of up to 10 MW for APCo and 30 MW for DEV; (f) allow certain large nonresidential customers that enter into a three-year minimum exclusive supply agreement to receive a Manufacturing and Commercial Competitiveness Retention Credit that reduces their base generation charges by two percent; (g) require DEV to consider in its next IRP whether the construction or purchase of one or more generation facilities with at least one MW of generating capacity that use combined heat and power or waste heat to power are in the customer interest; (h) require APCo and DEV to investigate the feasibility of providing broadband Internet services to unserved areas of the Commonwealth using utility distribution and transmission infrastructure; (i) require the SCC to submit annual reports that assess, among other things, new construction and development of new utility-owned and utility-operated generating facilities utilizing energy derived from sunlight; (j) require APCo and DEV to develop programs of energy conservation measures, with APCo's program costing not less than \$140 million and DEV's program costing not less than \$870 million; (k) require APCo and DEV to investigate and report upon its economic development activities and assistance provided to Virginia localities in the area of economic development in each utility's respective service area; (l) require APCo and DEV to investigate potential improvements to net energy metering programs; (m) require DEV's IRPs to incorporate policy goals of reduction in customer bills, reduction in emissions, and reduction in the utility's carbon intensity; (n) require the SCC to submit annual reports assessing the reliability of electrical transmission or distribution systems, the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid, the level of investment in generation, transmission, or distribution of electricity, and related matters; (o) provide that the provisions of this measure apply retroactively to applications regarding new underground facilities or offshore wind facilities pending with the SCC on or after January 1, 2018; (p) require APCo, subject to SCC approval, by July 1, 2018, to construct or acquire solar generation facilities in Virginia with an aggregate capacity of not less than 200 MW; (q) provide that no more than one half of the combined capital investment amount attributable to investments in new utility-owned solar or wind generation facilities, electric distribution grid transformation projects, undergrounding distribution facilities, undergrounding two transmission lines, and energy efficiency programs shall be investments in undergrounding distribution facilities, undergrounding two transmission lines, and electric grid distribution transformation projects solely designed for physical security at distribution substations; and (r) require the SCC to submit reports after each triennial review proceeding that describe and quantify

investments in solar and wind projects and in electric distribution grid transformation projects.

## Environment and Water Resources

### **HB 211 Ground water withdrawal permit term; lengthening to 15 years, permit fee.**

*Chief patron:* Wright

Lengthens from 10 years to 15 years the maximum term of a ground water withdrawal permit issued by the State Water Control Board. The bill also lengthens from 10 years to 15 years the maximum term of a ground water withdrawal special exception and directs the Board to raise the applicable permit fee from \$6,000 to \$9,000. The bill contains technical amendments.

### **HB 358 Ground water management; subdivisions, technical evaluation.**

*Chief patron:* Bulova

Requires the developer of a subdivision located in a designated ground water management area for which the developer obtains plat approval on or after July 1, 2018, to apply for a technical evaluation, with certain criteria, from the Department of Environmental Quality prior to final subdivision plat approval if there will be 30 or more lots within the subdivision served by private wells.

### **HB 377 Virginia Water Protection Permit; exception for stormwater management facility on dry land.**

*Chief patron:* Bulova

Exempts from the requirement to obtain a Virginia Water Protection Permit any impact to a stormwater management facility on dry land. The bill directs the Department of Environmental Quality to adopt guidance to ensure that any project claiming this exemption creates no more than minimal ecological impact.

### **HB 494 Land development; replacement of trees, locality within Chesapeake Bay watershed.**

*Chief patron:* Hodges

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

### **HB 887 Onsite sewage systems; adjustment or replacement of sewer lines, etc., is considered maintenance.**

*Chief patron:* Orrock

Provides that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system and thus does not require a permit. Under current law, adjustment and replacement of such equipment requires the system owner to obtain a permit.

**HB 888 Onsite sewage systems & private wells; VDH to take steps to eliminate evaluation & design services.**

*Chief patron:* Orrock

Directs the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department. The bill provides specific requirements and a timeline for such elimination.

**HB 925 Industrial & high-risk programs; locality to adopt, etc., runoff programs.**

*Chief patron:* Bulova

Authorizes any locality that owns or operates a permitted municipal separate storm sewer system (MS4) to adopt and administer an industrial and high-risk runoff program. The bill authorizes any such locality to include in its industrial and high-risk program an industrial or commercial facility notwithstanding the fact that the facility is also subject to certain permits or the federal Emergency Planning and Community Right-to-Know Act. The bill limits the ability of the State Water Control Board (the Board), unless it is required to do so by federal law, to impose certain regulatory conditions on any locality that administers such a program and prohibits the Board from modifying existing MS4 permits to avoid such limitation. The bill authorizes the Board to require a locality to report an industrial or commercial facility if it becomes aware of a violation of an industrial stormwater management requirement.

**HB 1035 Virginia Water Supply Revolving Fund; loans for regional projects.**

*Chief patron:* Hodges

Directs the Board of Health, when making loans, loan subsidies, or grants for regional water projects in the Eastern Virginia Groundwater Management Area, to give preference to projects that do not involve the withdrawal of groundwater from the coastal plain aquifer.

**HB 1036 Eastern Virginia groundwater management; Department of Environmental Quality to convene a forum.**

*Chief patron:* Hodges

Directs the Department of Environmental Quality (the Department) to convene a work group to assist the Department in carrying out the 2017 recommendation of the Eastern Virginia Groundwater Management Advisory Committee that an aquifer storage and recovery banking system be developed. The work group shall report its recommendations no later than July 1, 2020.

**HB 1241 Car-washing fundraisers; use of biodegradable cleaners.**

*Chief patron:* Hugo

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

**HB 1307 Stormwater management; rural Tidewater, tiered approach to water quantity technical criteria.**

*Chief patron:* Hodges

Allows any rural Tidewater locality, as defined in the bill, to comply with water quantity technical criteria for certain land-disturbing activities based on the percentage of impervious cover in the watershed. The bill provides that any eligible locality electing to use certain control standards shall, by ordinance, adopt an official map that indicates the percentage of impervious cover in each watershed within the locality and shall update the map at least annually. The bill allows any such locality to apply one of the following three standards for managing water quantity to any new development project: (i) if the site, as indicated on the map, has less than 5.0 percent impervious cover, the standard shall be a particular State Water Control Board regulation; (ii) if the watershed has 5.0 percent or more but less than 7.5 percent impervious cover, the standard shall be the one-year, 24-hour release method; and (iii) if the watershed has 7.5 percent or more impervious cover, the standard shall be the energy balance method. The bill provides that any project whose construction would cause the watershed in which it is located to step up to the next higher tier shall be evaluated under the energy balance method or a more stringent alternative. The bill also directs the Department of Environmental Quality to use an appropriate new or existing Regulatory Advisory Panel to assist in clarifying the interpretation and application of the MS-19 standard.

**HB 1308 Stormwater management; local plan review, acceptance of signed plan in lieu of review.**

*Chief patron:* Hodges

Authorizes any rural Tidewater locality, whether or not it has opted out of administering a stormwater or erosion and sediment control program, to require that a licensed professional retained by the applicant submit a set of plans and supporting calculations for land-disturbing activities that disturb 2,500 square feet or more but less than one acre of land. The bill requires the plans to bear a certification and to be signed and sealed by the professional. The locality is authorized to accept such plans in satisfaction of the local plan review requirement. The bill also directs the Department of Environmental Quality to examine the possibility of expanding the use of the agreement in lieu of a stormwater management plan, currently authorized for use in the construction of certain single-family residences, to include any nonresidential development site of less than one acre in a rural Tidewater locality.

**HB 1372 Green job creation tax credit; extends sunset provision through taxable year 2020.**

*Chief patron:* Lopez

Extends through taxable year 2020 the sunset date for the green job creation tax credit. Under current law, the credit expires for taxable years beginning on January 1, 2018. This bill is identical to SB 573.

**HB 1382 Agricultural best management practices tax credit; refundability for corporations.**

*Chief patron:* Byron

Allows taxpayers to apply for a refund of corporate income tax credits received for expenditures for agricultural best management practices. Under current law, corporate income tax credits that exceed the taxpayer's tax liability are not refundable but may be carried forward for up to five years. Furthermore, under current law, individual income tax credits for expenditures related to agricultural best management practices are refundable.

**SB 340 Virginia Water Quality Improvement Fund; publicly owned treatment works, nutrient reduction.**

*Chief patron:* Peake

Authorizes the Director of the Department of Environmental Quality to distribute grants from the Virginia Water Quality Improvement Fund for cost effective technologies to reduce nutrient loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia subsequent to satisfaction of nutrient reductions of regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill requires the Department of Environmental Quality to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the State Water Control Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. This bill is identical to HB 1608.

**SB 576 Stream restoration; standards and specifications.**

*Chief patron:* Hanger

Allows a person engaging in more than one jurisdiction in the creation and operation of a stream restoration project for purposes of reducing nutrients or sediment entering state waters the same opportunity to submit standards and specifications for Department of Environmental Quality approval that describe how land-disturbing activities shall be conducted as an alternative to submitting soil erosion control and stormwater management plans as allowed in current law to a person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank pursuant to a mitigation banking instrument signed by the

Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers. The bill also authorizes such person to file general erosion and sediment control standards and specifications for review and approval consistent with guidelines established by the State Water Control Board.

**SB 688 Va. Public Procurement Act; cooperative procurement, stream restoration & stormwater management.**

*Chief patron:* Ruff

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

**SB 741 Stormwater management; termination of general permit, notice.**

*Chief patron:* Ruff

Requires a Virginia Stormwater Management Program Authority (VSMP authority) to recommend that the Department of Environmental Quality terminate coverage under a General Permit for Discharges of Stormwater from Construction Activities within 60 days of receiving a complete notice of termination from the operator of the construction activity. The bill (i) provides that such permit coverage shall be deemed terminated 90 days after the receipt by the VSMP authority of a complete notice of termination and (ii) requires any VSMP authority receiving incomplete notice to inform the operator within a reasonable time and provide a detailed list of the missing elements.

**SB 950 Pipeline construction; DEQ review, upland construction**

*Chief patron:* Hanger

Provides that, for the construction of certain natural gas transmission pipelines greater than 36 inches inside diameter (Pipelines), the issuance of a Virginia Water Protection Permit (VWPP) and an additional water quality certification for upland conditions shall together constitute the certification required under § 401 of the federal Clean Water Act. The bill requires the builder of a Pipeline to submit an application to the Department of Environmental Quality (the Department) describing all activities that will occur in upland areas and authorizes the Department to request certain additional information from the applicant. The bill directs the Department to determine whether any activities not addressed by the VWPP are likely to result in a discharge to state waters with the potential to adversely impact water quality and then to develop an additional certification containing any additional conditions for activities in upland areas. The bill directs the Department to prepare a public notice of such draft certification conditions and to allow for public comment. The bill requires an individual VWPP for impacts to state waters for the construction of any Pipeline and requires that each wetland and stream crossing be considered as a single project, with an individual review of each proposed water body crossing with

an upstream drainage area of five square miles or greater; however, the bill requires only one individual VWPP addressing all water body crossings for each Pipeline. The bill requires that any Pipeline be constructed in a manner that minimizes impacts to state waters and protects water quality to the maximum extent practicable, including by using certain best management practices. The bill directs the State Water Control Board to exempt the construction of Pipelines from its general permits for the activities of certain utilities and public service companies and to complete its review of any individual permit application related to the construction of any Pipeline within one year. The bill also prohibits an applicant from commencing a land-disturbing activity prior to approval by the Department of an erosion and sediment control plan and stormwater management plan. Finally, the bill authorizes the Department to assess certain administrative charges in order to cover its costs.

## Ethics Reform

### **HB 212 Conflict of Interests Act, State and Local Government; school boards and school board employees.**

*Chief patron:* Wright

Allows any school district to invoke the current exemption from the prohibition against hiring, under certain circumstances, a school district employee who is related to a member of the school board. Current law limits use of the exemption to only those school districts located in Planning Districts 3, 4, 11, 12, 13, and 17. This bill is identical to SB 124.

### **SB 930 Conflicts of Interest Act, State and Local Government; prohibited conduct relating to contracts.**

*Chief patron:* Lewis

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

## Building Codes

**HB 683 Uniform Statewide Building Code; security of certain records.**

*Chief patron:* Pogge

Clarifies that while information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall not be subject to disclosure to the public under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), such information shall not be deemed confidential. This bill is identical to SB 921.

**HB 859 Uniform Statewide Building Code; administration and enforcement, agreements for assistance.**

*Chief patron:* Peace

Provides that the local governing body of a county or municipality may enter into an agreement with the governing body of another county or municipality for the provision to such county or municipality's local building department of technical assistance with administration and enforcement of the Building Code.

**SB 529 Contractors, Board for; prerequisites to obtaining a building permit.**

*Chief patron:* Mason

Removes the requirement that a building permit applicant's written statement that he is not subject to licensure or certification as a contractor or subcontractor be supported by an affidavit. The bill contains technical amendments. This bill is identical to HB 164.

**SB 921 Uniform Statewide Building Code; security of certain records.**

*Chief patron:* Ebbin

Clarifies that while information contained in engineering and construction drawings and plans for any single-family residential dwelling submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) shall not be subject to disclosure to the public under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), such information shall not be deemed confidential. This bill is identical to HB 683.

## Housing

**HB 162 Proceeds of a sale, a partition suit, or condemnation proceeding; persons under a disability, etc.**

*Chief patron:* Ware

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

**HB 439 Real Estate Board; licensees may assist in translation of real estate documents.**

*Chief patron:* Bulova

Provides that if a party to a real estate transaction requests translation of a contract or other real estate document from the English language to another language, a real estate licensee may assist such party in obtaining a translator or may refer such party to an electronic translation service and that, in doing so, the licensee shall not be deemed to have breached any of his obligations as a real estate licensee or otherwise become liable for any inaccuracies in the translation. The bill provides that a licensee shall not charge a fee for such assistance or referral. This bill is identical to SB 528.

**HB 609 Housing; installation and maintenance of smoke and carbon monoxide alarms in rental property.**

*Chief patron:* Carr

Creates a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property. The bill requires a landlord (i) to install a smoke alarm but does not permit a locality to require new or additional wiring or the upgrading of smoke alarms under certain conditions and (ii) to certify annually that smoke alarms have been installed and maintained in good working order in a residential dwelling unit pursuant to the Statewide Fire Prevention Code (§ 27-94 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). The landlord is also required to install a carbon monoxide alarm upon request by a tenant; the installation and subsequent maintenance must be in compliance with the Statewide Fire Prevention Code and the Uniform Statewide Building Code. A tenant of a rental dwelling unit with a smoke alarm or both smoke and carbon monoxide alarms shall not tamper or remove such alarms. Under the bill, a reasonable accommodation must be made for persons who are deaf or hearing impaired, upon request. Localities that have enacted a fire and carbon monoxide alarm ordinance must conform such ordinances with these state standards by July 1, 2019. The bill also requires the Department of Housing and Community Development, in consultation with the Department of Fire Programs, to develop a form for landlords for use in certifying inspections that summarizes smoke alarm maintenance requirements for landlords and tenants. The bill, as introduced, is a recommendation of the Virginia Housing Commission.

**HB 923 Common Interest Community Board; information on covenants, association disclosure packets.**

*Chief patron:* Bulova

Requires the Common Interest Community Board (Board) to reconfigure its current one-page form that accompanies association disclosure packets that are required to be provided to all prospective purchasers of lots located within a development that is subject to the Virginia Property Owners' Association Act as a cover form to accompany both association disclosure packets and resale certificates that are required to be provided to all prospective purchasers of units located within a condominium that is subject to the Condominium Act. The bill also requires the Board to expand the breadth of information that is included on the form to provide potential purchasers with additional information regarding restrictive covenants that the potential purchaser may be subject to as a member of a property owners' association or a unit owners' association and which may affect the potential purchaser's decision to purchase a lot or unit located within a common interest community.

**HB 1031 Common interest communities; disclosure packets.**

*Chief patron:* Watts

Requires that as a prerequisite to charging any fees for the preparation of disclosure packets, both professionally managed property owners' associations and property owners' associations that are not professionally managed must register with the Common Interest Community Board, file annual reports, and make annual assessment payments. Additionally, a professionally managed property owners' association must provide the disclosure packet electronically if so requested by the requester in order to charge fees. The bill allows a property owners' association that is not professionally managed to charge fees at the option of the seller or the seller's agent for (i) expediting the inspection, preparation, and delivery of the disclosure packet; (ii) providing an additional hard copy of the disclosure packet; and (iii) providing third-party commercial delivery service. A property owners' association that is not professionally managed may also charge and collect fees for inspection of the property, the preparation and issuance of an association disclosure packet, and such other services as provided by professionally managed property owners' associations as long as the association provides the disclosure packet electronically if so requested by the requester and complies with the other requirements of collecting fees for disclosure packets by professionally managed property owners' associations.

**HB 1047 Manufactured Home Lot Rental Act; manufactured home park defined.**

*Chief patron:* Torian

Reduces from 10 to five the number of manufactured homes required on a parcel of land under single or common ownership for purposes of being subject to the Manufactured Home Lot Rental Act (§ 55-248.41 et seq.).

**HB 1227 Landlord and tenant law; transient lodging as primary residence.**

*Chief patron:* Hayes

Clarifies that the availability of the use of self-help eviction in certain circumstances to the owner of transient lodging shall not preclude such owner from pursuing any civil or criminal remedies under the laws of the Commonwealth.

**HB 1367 Emergency Management, Virginia Department of; local sheltering data.**

*Chief patron:* Jones, J.C.

Requires localities to provide the State Coordinator of Emergency Management with certain data related to emergency sheltering capabilities on or before May 1 of each year.

**HB 1453 Real estate appraisers; changes definition of evaluations.**

*Chief patron:* Ware

Changes the definition of "evaluation" from an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property to an opinion of the market value of real property or real estate that may be utilized in connection with a real estate-related financial transaction where an appraisal by a state-certified or state-licensed appraiser is not required by the state or federal financial institution's regulatory agency engaging in, contracting for, or regulating such real estate-related financial transaction or regulating the financial institution or lender engaged in or about to engage in such real estate-related financial transaction. The bill requires that an evaluation meet the format requirements of the federal Interagency Appraisal and Evaluation Guidelines, include sufficient information in clear and understandable language to allow a person to understand the opinion of the market value of real property or real estate, and contain the statement: "This is not an appraisal performed in accordance with the Uniform Standards of Professional Appraisal Practice."

**HB 1533 Virginia Property Owners' Association Act; applicability.**

*Chief patron:* Kory

Provides that the Virginia Property Owners' Association Act (§ 55-508 et seq.) shall be applicable to any development established prior to the former Subdivided Land Sales Act (§ 55-336 et seq.) (i) located in a county with an urban county executive form of government, (ii) containing 500 or more lots, (iii) each lot of which is located within the boundaries of a watershed improvement district established pursuant to Article 3 (§ 10.1-614 et seq.) of Chapter 6 of Title 10.1, and (iv) each lot of which is subject to substantially similar deed restrictions.

**SB 108 Orders of publication to enforce tax lien; limited-value property.**

*Chief patron:* Lucas

Provides that an order of publication for the enforcement of a lien for taxes owed on real property that has a value of \$50,000 or less need be published only once. Under

current law, such order is required to be published at least once a week for two successive weeks.

**SB 197 Landlord and tenant law; notice requirements, landlord's acceptance of rent with reservation.**

*Chief patron:* Locke

Changes the landlord and tenant law notice requirements for landlords to accept full or partial rent while continuing to proceed with a court action to obtain an order of possession and subsequent eviction by creating a single notice and removing the requirement for second notice for the time period between entry of an order of possession and prior to eviction. The bill provides that the landlord may accept full or partial payment of rent and still receive an order of possession and proceed with eviction if the landlord states in the written notice to the tenant that any payment of rent, damages, money judgment, award of attorney fees, and court costs would be accepted with reservation and not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. The bill also provides that if a dwelling unit is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, written notice of acceptance of rent with reservation need not be given to any public agency paying a portion of the rent under the rental agreement. This bill is identical to HB 855.

**SB 391 Housing; installation and maintenance of smoke and carbon monoxide alarms in rental property.**

*Chief patron:* Barker

Creates a statewide standard for the installation and maintenance of smoke and carbon monoxide alarms in rental property. The bill requires a landlord (i) to install a smoke alarm but does not permit a locality to require new or additional wiring or the upgrading of smoke alarms under certain conditions and (ii) to certify annually that smoke alarms have been installed and maintained in good working order in a residential dwelling unit pursuant to the Statewide Fire Prevention Code (§ 27-94 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). The landlord is also required to install a carbon monoxide alarm upon request by a tenant; the installation and subsequent maintenance must be in compliance with the Statewide Fire Prevention Code and the Uniform Statewide Building Code. A tenant of a rental dwelling unit with a smoke alarm or both smoke and carbon monoxide alarms shall not tamper or remove such alarms. Under the bill, a reasonable accommodation must be made for persons who are deaf or hearing impaired, upon request. Localities that have enacted a fire and carbon monoxide alarm ordinance must conform such ordinances with these state standards by July 1, 2019. The bill also requires the Department of Housing and Community Development, in consultation with the Department of Fire Programs, to develop a form for landlords for use in certifying inspections that summarizes smoke alarm maintenance requirements for landlords

and tenants. The bill, as introduced, is a recommendation of the Virginia Housing Commission. This bill incorporates SB 743 and is identical to HB 609.

### **SB 722 Condominium and Property Owners' Association Acts; access to association books and records.**

*Chief patron:* Surovell

Provides that books and records kept by or on behalf of a unit owners' association or a property owners' association shall be withheld from inspection and copying in their entirety only to the extent that an exclusion from disclosure enumerated in the Condominium Act or Property Owners' Association Act, as applicable, applies to the entire content of such books and records. The bill provides that, otherwise, only those portions of the books and records containing information subject to an exclusion may be withheld, and all portions of the books and records that are not so excluded shall be disclosed at the requesting member's expense.

## **Elections and Redistricting**

### **HB 397 Absentee voting; certain information not required when completing application in person.**

*Chief patron:* Keam

Provides that a person completing an application for an absentee ballot in person is not required to provide the last four digits of his social security number on the application.

### **SB 152 General registrars; assistants, full-time status.**

*Chief patron:* Edwards

Clarifies that when determining the number of assistant registrars to serve in the office of the general registrar, the electoral board may include any to serve full-time. Currently, Russell County is required to have at least one full-time assistant registrar; counties and cities with populations exceeding 15,500 are required to have at least one part-time assistant registrar; and counties and cities with populations less than 15,500 are required to have at least one substitute registrar. The bill does not amend any of those mandates.

## **Eminent Domain**

### **SB 809 Eminent domain; calculation of lost profits amends definitions.**

*Chief patron:* Petersen

Amends, in the definitions of "lost profits" and "business profit" for the purposes of eminent domain, the period for which lost profits are calculated to a period not to exceed three years from the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken. Under current law, lost profits are calculated for a period not to exceed (a) three years from the date of valuation if less than the entire parcel of property is taken or (b) one year from the date of valuation if the entire parcel of property is taken. The bill specifies that the person claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. The bill further specifies that if the owner is not named in the petition for condemnation, he may intervene in the proceeding and that proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority. This bill incorporates SB 911.

## FOIA

### **HB 228 Virginia Public Records Act; records retained in electronic medium.**

*Chief patron:* Cole

Provides that notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill provides that this provision shall not be deemed to affect any law governing the retention of exhibits received into evidence in a criminal case in any court.

### **HB 727 Virginia Freedom of Information Act; exclusion of records relating to public safety.**

*Chief patron:* Delaney

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

**HB 906 Virginia Freedom of Information Act; clarifies definition of electronic communication.**

*Chief patron:* Robinson

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

**HB 907 Virginia Freedom of Information Act; meetings held by electronic communication means.**

*Chief patron:* Robinson

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

**HB 908 Virginia Freedom of Information Act; meetings held by electronic communication means.**

*Chief patron:* Robinson

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

**HB 909 Virginia Freedom of Information Act; disclosure of law-enforcement and criminal records.**

*Chief patron:* Robinson

Clarifies that the discretionary exemptions contained in the Freedom of Information Act pertaining to law-enforcement and criminal records may be used by any public body. Current law only permits such exemptions to be used by public bodies engaged in criminal law-enforcement activities. The bill also restricts the application of the discretionary exemption for those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature, the release of which would jeopardize the safety or privacy of any person, to only those portions of noncriminal incident or

other noncriminal investigative reports or materials that are in the possession of public bodies (i) engaged in emergency medical services, (ii) engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing calls for service or other communications to an emergency 911 system or any other equivalent reporting system. This bill is a recommendation of the Freedom of Information Advisory Council.

**HB 1275 Virginia FOIA; record exclusion for trade secrets supplied to the VDOT.**

*Chief patron:* Aird

Excludes from the mandatory disclosure provisions of FOIA trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), supplied to the Department of Transportation as part of an audit, special investigation, or any study requested by the Department of Transportation. The bill provides that in order for such trade secrets to be excluded, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

**SB 407 Government Data Collection & Dissemination Practices Act; exemption for Division of Capitol Police.**

*Chief patron:* McDougle

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

**SB 657 Virginia Freedom of Information Act; exclusion of records related to public safety.**

*Chief patron:* Lewis

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

**SB 858 Va. FOIA; excludes certain information held by board of visitors of The College of William & Mary.**

*Chief patron:* Mason

Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act certain information held by the board of visitors of The College of William and Mary in Virginia (the board) relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities

exchange, if disclosure of such information would reveal confidential analyses prepared for the board and have an adverse effect on the value of the investment to be acquired, held, or disposed of by the board. This bill is identical to HB 1426.

## Local Authority

### **HB 62 Libraries, local and regional; boards not mandatory in Caroline County.**

*Chief patron:* Fowler

Caroline County to the list of localities that are not required to establish a library board. This bill is identical to SB 396.

### **HB 97 Virginia Public Procurement Act; methods of procurement, single or term contracts.**

*Chief patron:* Bell, John J.

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

### **HB 114 Golf carts and utility vehicles on public highways; equine events.**

*Chief patron:* Webert

Authorizes the use of golf carts and utility vehicles to cross a one-lane or two-lane highway from one portion to another of a venue hosting an equine event, provided that the crossing occurs on the same day as the equine event, occurs in a temporary traffic control zone with a speed limit of no more than 35 miles per hour, and is monitored and controlled by a uniformed law-enforcement officer.

### **HB 161 Service districts; general government facilities may be constructed pursuant to power of districts.**

*Chief patron:* Cole

Adds general government facilities to those types of facilities that may be constructed pursuant to the power granted to service districts.

### **HB 179 Public facilities; bonds issued for construction, municipal authority to retain certain tax revenue.**

*Chief patron:* Collins

Extends until July 1, 2020, the authority of any municipality to issue bonds for the construction of certain public facilities and retain sales and use tax revenue generated within such facilities to pay off such bonds. Under current law, such authority expired on July 1, 2017.

**HB 212 Conflict of Interests Act, State and Local Government; school boards and school board employees.**

*Chief patron:* Wright

Allows any school district to invoke the current exemption from the prohibition against hiring, under certain circumstances, a school district employee who is related to a member of the school board. Current law limits use of the exemption to only those school districts located in Planning Districts 3, 4, 11, 12, 13, and 17. This bill is identical to SB 124.

**HB 233 Arts and cultural districts; relocates an existing section related to creation of districts.**

*Chief patron:* Hope

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

**HB 239 Hunting with the assistance of dogs; hunting or killing raccoons on Sunday.**

*Chief patron:* Kilgore

Removes the prohibition on hunting or killing raccoons after 2:00 a.m. on Sunday.

**HB 284 Historical African American cemeteries; owners and localities receiving funds.**

*Chief patron:* McQuinn

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

**HB 364 Execution of temporary detention orders; inmates in local correctional facilities.**

*Chief patron:* Rush

Authorizes deputy sheriffs and jail officers employed by a local correctional facility to execute temporary detention orders issued for inmates of the facility.

**HB 398 Virginia Public Procurement Act; bid, performance, and payment bonds, waiver by localities, sunset.**

*Chief patron:* Davis

Adds a sunset date of July 1, 2021, to the provisions (i) authorizing a locality, where the bid, performance, and payment bond requirements are waived, to waive the requirement for prequalification for a bidder or contractor with a current Class A contractor license for nontransportation-related construction contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance by the local governing body that waiving the requirement is in the best interests of the locality and (ii) prohibiting localities from entering into more than 10 such contracts per year.

**HB 844 Burn ban; definition of "orchard" and "vineyard."**

*Chief patron:* Fariss

Defines the terms "orchard" and "vineyard" for the purposes of the exception to the ban on burning brush where such burning is done to prevent frost damage to orchards or vineyards.

**HB 1390 Food and beverage tax; counties to enact ordinances providing that bonds shall be paid from revenue.**

*Chief patron:* Aird

Authorizes counties to enact ordinances providing that bonds shall be repaid from food and beverage tax revenues. The bill provides that if a county enacts such an ordinance, the referendum submitted to the voters shall include as a single question the issuance of bonds and the enactment of a food and beverage tax. Under current law, the questions of bond issuance and tax enactment are submitted as separate ballot questions.

**HB 1452 Regional industrial facility authority; amends enabling statute for creation of an authority.**

*Chief patron:* James

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

**SB 108 Orders of publication to enforce tax lien; limited-value property.**

*Chief patron:* Lucas

Provides that an order of publication for the enforcement of a lien for taxes owed on real property that has a value of \$50,000 or less need be published only once. Under current law, such order is required to be published at least once a week for two successive weeks.

**SB 186 Unmanned aircraft by a locality; search warrant, exception.**

*Chief patron:* Black

Authorizes a state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations to utilize an unmanned aircraft system without a search warrant when such system is utilized to support any locality for a purpose other than law enforcement.

**SB 219 Constitutional amendment; real property tax exemption for flooding remediation, abatement, etc.**

*Chief patron:* Lewis

Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to allow the General Assembly to authorize the governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken. This bill is the companion ballot legislation for SJR 21.

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

*Chief patron:* Lewis

Authorizes any county or city, or any combination of counties, cities, or counties and cities, to establish a local or regional overdose fatality review team for the purpose of (i) conducting contemporaneous reviews of local overdose deaths, (ii) promoting cooperation and coordination among agencies involved in investigations of overdose deaths or in providing services to surviving family members, (iii) developing an understanding of the causes and incidence of overdose deaths in the locality, (iv) developing plans for and recommending changes within the agencies represented on the local team to prevent overdose deaths, and (v) advising the Department of Health and other relevant state agencies on changes to law, policy, or practice to prevent overdose deaths. The bill authorizes a local or regional team to review the death of any person who resides in the Commonwealth and whose death was or is suspected to be due to overdose. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor.

**SB 451 Local government; authority to require abatement of criminal blight on real property.**

*Chief patron:* Dance

Authorizes any locality to enact an ordinance that requires corrective action to address criminal blight conditions on certain real property. The bill defines criminal blight to include conditions on real property that endanger residents of the community by the regular presence of persons using the property for controlled substance use or sale and other criminal activities, specifically commercial sex trafficking or prostitution or repeated acts of the malicious discharge of a firearm within a building or dwelling. Current law allows local governments to enact an

ordinance for taking action against a property owner with regard to illegal drug activity on such real property within the locality. As introduced, this bill was a recommendation of the Virginia Housing Commission. This bill is identical to HB 594.

**SB 492 Towing; increases maximum hookup and initial towing fee of any passenger car.**

*Chief patron:* Carrico

Increases the maximum hookup and towing fee for passenger vehicles from \$135 to \$150. The bill contains a technical amendment. This bill is identical to HB 800.

**SB 496 Off-road recreational vehicles; increases highway speed limit.**

*Chief patron:* Carrico

Increases from 25 to 35 miles per hour the maximum highway speed limit wherein the governing body of any county, city, or town embraced by the Southwest Regional Recreation Authority may by ordinance authorize the operation of any off-road recreational vehicle. The bill provides that such governing body may by ordinance authorize the operation of any such vehicle for a distance of no more than five miles on any highway that has a maximum speed limit of more than 35 miles per hour.

**SB 684 Removal of snow and ice; county executive form of government.**

*Chief patron:* Deeds

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

**SB 887 Child labor; volunteer fire companies.**

*Chief patron:* Deeds

Removes the requirement that local governments authorize the participation of certain minors in certain fire company activities. The measure also provides that participation by such minors in nonhazardous activities of a volunteer fire company, including fire prevention efforts and training courses, is not prohibited. The measure directs the Virginia Fire Services Board to adopt a junior member policy that provides guidance to fire and rescue departments in developing and administering nonhazardous training courses and programs.

## **Local Revenue**

**HB 71 Constitutional amendment; real property tax exemption for spouse of disabled veteran.**

*Chief patron:* Miyares

Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability to allow the surviving spouse to move to a different principal place of residence. Similar real property tax exemptions provided in the Constitution of Virginia to (i) the surviving spouses of members of the armed forces killed in action and (ii) the surviving spouses of certain emergency services providers killed in the line of duty allow the surviving spouse to move to a different principal place of residence and still claim the tax exemption. This bill is the companion ballot legislation for HJR 6 and is identical to SB 900.

**HB 124 Real property tax; Bedford County authorized to perform general reassessment.**

*Chief patron:* Austin

Authorizes Bedford County to perform a general reassessment of real property every five or six years instead of every four years.

**HB 236 Parked vehicles; registration, licensing, and titling requirements, improper use.**

*Chief patron:* Collins

Expands from vehicles operated on a highway to vehicles operated or parked on a highway the class of vehicles subject to registration, licensing, and titling requirements. The bill contains technical amendments.

**HB 373 Multistate Tax Commission; the Commonwealth to become associate member.**

*Chief patron:* Davis

Requires the Tax Commissioner to take such steps as are necessary for Virginia to become an associate member of the Multistate Tax Commission and to participate in Multistate Tax Commission discussions and meetings concerning model tax legislation and uniform tax policies. The Commission was formed in 1967 and charged under the Multistate Tax Compact with, among other things, facilitating the proper determination of state and local tax liability of multistate taxpayers, promoting uniformity or compatibility in significant components of tax systems, facilitating taxpayer convenience and compliance in the filing of tax returns, and avoiding duplicative taxation.

**HB 828 Personal property tax; computer equipment and peripherals used in data centers.**

*Chief patron:* Bagby

Creates a separate classification of tangible personal property, for valuation purposes, for computer equipment and peripherals used in a data center. The

classification specifies that the computer equipment and peripherals shall be valued by means of a percentage or percentages of original cost or by any other method that reasonably may be expected to determine fair market value. This bill is identical to SB 268.

**HB 871 Real property tax; land use valuation.**

*Chief patron:* Orrock

Provides that (i) land devoted to agricultural use includes land devoted to the sale of products made from plants and animals located on the property, (ii) land devoted to horticultural use includes land devoted to plants and the sale of products made from horticultural items, (iii) the agreement pursuant to soil and water conservation programs that qualifies land as devoted to agricultural or horticultural uses may be made with the Commonwealth, (iv) land designated for use value assessment shall not lose such designation solely because of its location in a newly created zoning district that was not requested by the property owner, and (v) if the state uniform standards for eligibility for real estate devoted to agricultural use or horticultural use require a minimum length of time of a specified use, then the use of other similar property by a lessee of the owner shall be included in calculating such time, and the Commissioner of Agriculture and Consumer Services shall include in the uniform standards a shorter length of time for real estate with no prior qualifying use, provided that the owner submits a written document of the owner's intent regarding use of the real estate containing elements set out in the uniform standards.

**HB 1022 Personal property tax; definition of agricultural products.**

*Chief patron:* Adams, L.R.

Defines "agricultural products," for the purposes of the classification of tangible personal property for taxation, as any livestock, aquaculture, poultry, horticultural, floricultural, viticulture, silvicultural, or other farm crops. This bill is identical to SB 314.

**HB 1441 All-terrain vehicles (ATVs), mopeds, and off-road motorcycles; taxation.**

*Chief patron:* Orrock

Provides that all-terrain vehicles, mopeds, and off-road vehicles shall be subject to the motor vehicle sales and use tax but exempt from the retail sales and use tax. Current law provides that such vehicles are subject to the retail sales and use tax but exempt from the motor vehicle sales and use tax. The motor vehicle sales and use tax would be imposed at the same rate as the state and local sales and use tax: at a rate of six percent in Planning Districts 8 and 23 and 5.3 percent in the rest of the state. The revenues collected from the motor vehicle sales tax on all-terrain vehicles, mopeds, and off-road vehicles would be distributed in the same manner as the state and local retail sales and use tax. The bill has a delayed effective date of October 1, 2018. This bill is identical to SB 249.

**HB 1442 Real property tax; assessment of wetlands.**

*Chief patron:* Orrock

Directs the commissioner of revenue, when separately and specially assessing wetlands at the request of the property owner and if the assessing official disagrees with the property owner as to the presence of wetlands, to recognize (i) the National Wetlands Inventory Map prepared by the U.S. Fish and Wildlife Service, (ii) a wetland delineation map confirmed by a Preliminary Jurisdictional Determination, or (iii) an Approved Jurisdictional Determination issued by the U.S. Army Corps of Engineers and provided by the property owner.

**HB 1452 Regional industrial facility authority; amends enabling statute for creation of an authority.**

*Chief patron:* James

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

**SB 249 All-terrain vehicles (ATVs), mopeds, and off-road motorcycles; taxation.**

*Chief patron:* Dance

Provides that all-terrain vehicles, mopeds, and off-road vehicles shall be subject to the motor vehicle sales and use tax but exempt from the retail sales and use tax. Current law provides that such vehicles are subject to the retail sales and use tax but exempt from the motor vehicle sales and use tax. The motor vehicle sales and use tax would be imposed at the same rate as the state and local sales and use tax: at a rate of six percent in Planning Districts 8 and 23 and 5.3 percent in the rest of the state. The revenues collected from the motor vehicle sales tax on all-terrain vehicles, mopeds, and off-road vehicles would be distributed in the same manner as the state and local retail sales and use tax. The bill has a delayed effective date of October 1, 2018. This bill is identical to HB 1441.

**SB 268 Personal property tax; computer equipment and peripherals used in data centers.**

*Chief patron:* Dunnivant

Creates a separate classification of tangible personal property, for valuation purposes, for computer equipment and peripherals used in a data center. The classification specifies that the computer equipment and peripherals shall be valued by means of a percentage or percentages of original cost or by any other method that reasonably may be expected to determine fair market value. This bill is identical to HB 828.

**SB 314 Personal property tax; definition of agricultural products.**

*Chief patron:* Ruff

Defines "agricultural products," for the purposes of the classification of tangible personal property for taxation, as any livestock, aquaculture, poultry, horticultural,

floricultural, viticulture, silvicultural, or other farm crops. This bill is identical to HB 1022.

**SB 430 Real property tax; disabled veterans.**

*Chief patron:* Wexton

Removes an extraneous reference to deferral in a provision relating to real property tax exemption.

**SB 485 Izaak Walton League of America, Norfolk Chapter of; exempt from taxation.**

*Chief patron:* Cosgrove

Deems certain property owned by the Norfolk Chapter of the Izaak Walton League of America to have been exempt from taxation pursuant to the 1902 Constitution of Virginia. The current Constitution provides that property exempt from taxation on the effective date of the constitutional revisions shall continue to be exempt until otherwise provided by the General Assembly. The bill provides that such exemption shall not be construed to provide the Norfolk Chapter of the Izaak Walton League of America a claim for a refund for any property taxes paid on such property prior to January 1, 2017.

**SB 900 Constitutional amendment; real property tax exemption for spouse of disabled veteran.**

*Chief patron:* Stuart

Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability to allow the surviving spouse to move to a different principal place of residence. Similar real property tax exemptions provided in the Constitution of Virginia to (i) the surviving spouses of members of the armed forces killed in action and (ii) the surviving spouses of certain emergency services providers killed in the line of duty allow the surviving spouse to move to a different principal place of residence and still claim the tax exemption. This bill is the companion ballot legislation for SJR 76 and is identical to HB 71.

**SB 902 Property tax; exemption for solar energy equipment and facilities.**

*Chief patron:* Lucas

Limits the property tax exemption for solar equipment and facilities owned and operated by a business, which exemption currently applies to 80 percent of the assessed value of certain projects, to those projects equaling less than 150 megawatts.

**SB 947 License plates, special; emergency medical services agencies, fire departments.**

*Chief patron:* Hanger

Requires volunteer emergency medical services agencies or volunteer emergency medical services agency auxiliaries to notify the Commissioner of the Department of Motor Vehicles within 30 days of separation of any member from such agency or agency auxiliary. The bill requires fire departments to maintain a copy of an approved application for a special license plate for professional or volunteer fire fighters and members of volunteer fire department auxiliaries and to notify the Commissioner within 30 days of separation of any professional fire fighter, volunteer fire fighter, or member of a volunteer fire department auxiliary from such fire department.

## State Revenue

### **HB 236 Parked vehicles; registration, licensing, and titling requirements, improper use.**

*Chief patron:* Collins

Expands from vehicles operated on a highway to vehicles operated or parked on a highway the class of vehicles subject to registration, licensing, and titling requirements. The bill contains technical amendments.

### **HB 665 Coalfield employment enhancement tax credit; metallurgical coal mined by underground methods.**

*Chief patron:* Kilgore

Reinstates the Coalfield employment enhancement tax credit. The credit, which expired on July 1, 2016, can be earned on and after January 1, 2018, but before January 1, 2023, and only for metallurgical coal. This bill is identical to SB 378.

### **HB 798 Income tax, state; apportionment of sales for debt buyers.**

*Chief patron:* Davis

Requires debt buyers, defined in the bill, to apportion their income from the collection of debt to Virginia based on a single sales factor starting with taxable year 2019. Generally, under current law, a taxpayer apportions its income to Virginia based on the ratio of its property, payroll, and sales in Virginia to the same factors in all other states.

Current law requires multistate businesses to apportion income from sales, other than sales of tangible personal property, to Virginia if the income-producing activity is performed only in Virginia or a greater proportion of the income-producing activity is performed in Virginia than in any other state.

The bill provides that all income recovered on debt from a person or entity residing in the Commonwealth shall be apportioned to the Commonwealth for income tax purposes.

**HB 993 Sales tax revenue allocation; increase amount allocated to discretionary spending for airports.**

*Chief patron:* Byron

Requires the Aviation Board, during the second six months of each fiscal year, to allocate certain funds from the Commonwealth Airport Fund to all eligible airports on a discretionary basis, except airports owned or leased by the Metropolitan Washington Airports Authority. Current law provides a structure whereby such funds are split between air carrier and reliever airports and general aviation airports. The bill retains this existing structure for the first six months of each fiscal year.

**HB 1382 Agricultural best management practices tax credit; refundability for corporations.**

*Chief patron:* Byron

Allows taxpayers to apply for a refund of corporate income tax credits received for expenditures for agricultural best management practices. Under current law, corporate income tax credits that exceed the taxpayer's tax liability are not refundable but may be carried forward for up to five years. Furthermore, under current law, individual income tax credits for expenditures related to agricultural best management practices are refundable.

**SB 378 Coalfield employment enhancement tax credit; metallurgical coal mined by underground methods.**

*Chief patron:* Chafin

Reinstates the Coalfield employment enhancement tax credit. The credit, which expired on July 1, 2016, can be earned on and after January 1, 2018, but before January 1, 2023, and only for metallurgical coal. This bill is identical to HB 665.

## **Land Conservation**

**HB 669 Natural Tunnel Parkway; authorizes DCR to accept certain real property in Scott County.**

*Chief patron:* Kilgore

Authorizes the Department of Conservation and Recreation to accept, without consideration, certain real property in Scott County measuring approximately 1.85 acres in total.

## **Land Use and Growth Management**

**HB 494 Land development; replacement of trees, locality within Chesapeake Bay watershed.**

*Chief patron:* Hodges

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

**HB 508 Solar facilities; local regulation.**

*Chief patron:* Hodges

Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic or architectural preservation district.

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

**HB 509 Comprehensive plan; solar facilities.**

*Chief patron:* Hodges

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

**HB 987 Agricultural operations; nuisance.**

*Chief patron:* Gilbert

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

**HB 1095 Chesapeake Bay public water access authorities; regional dredging.**

*Chief patron:* Hodges

Authorizes the Middle Peninsula Chesapeake Bay Public Access Authority and the Northern Neck Chesapeake Bay Public Access Authority to undertake dredging projects and authorizes those public access authorities and the Eastern Shore Water Access Authority, which currently is empowered to undertake dredging projects, to work together in any combination to undertake dredging projects in any of their jurisdictions.

**HB 1258 Wireless communications infrastructure; zoning.**

*Chief patron:* Kilgore

Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications; a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and other providers of functionally-equivalent service; and limits on the number of new wireless support structures that can be installed in a specific location. The measure prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. The measure states that it does not prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The measure also requires that any publicly owned or privately owned

wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1, 2025, provide to the Department of Housing and Community Development a report detailing, by county, city, or town, enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless service. The measure also directs the Secretariats of Commerce and Trade and Public Safety and Homeland Security to convene a group of stakeholders to develop a plan for expanding access to wireless services in unserved and underserved areas of the Commonwealth. This bill is identical to [SB 405.](#)

**HB 1427 Wireless support structures; public rights-of-way use fees established.**

*Chief patron:* Kilgore

Establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that VDOT may elect to continue enforcing any existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider existing prior to July 1, 2018. This bill is identical to [SB 823.](#)

**SB 129 Subdivision ordinance; pro rata share of certain road improvements.**

*Chief patron:* Cosgrove

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

**SB 179 Comprehensive plan; solar facilities.**

*Chief patron:* Stanley

Provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be

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

**SB 211 Comprehensive plans; groundwater and surface water.**

*Chief patron:* Stuart

Authorizes a locality to show in the locality's comprehensive plan the locality's long-range recommendations for groundwater and surface water availability, quality, and sustainability. The bill requires the local planning commission to survey and study groundwater and surface water availability, quality, and sustainability in the preparation of a comprehensive plan.

**SB 405. Wireless communications infrastructure; zoning.**

*Chief patron:* McDougle

Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications; a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and other providers of functionally-equivalent service; and limits on the number of new wireless support structures that can be installed in a specific location. The measure prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. The measure states that it does not prohibit a locality from disapproving an application submitted under a standard process project on the basis of the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. The measure also requires that any publicly owned or privately owned wireless service provider operating within the Commonwealth or serving residents of the Commonwealth shall, by January 1, 2019, and annually thereafter until January 1,

2025, provide to the Department of Housing and Community Development a report detailing, by county, city, or town, enhanced service capacity in previously served areas and expansion of service in previously unserved geographic areas that are provided access to wireless service. The measure also directs the Secretariats of Commerce and Trade and Public Safety and Homeland Security to convene a group of stakeholders to develop a plan for expanding access to wireless services in unserved and underserved areas of the Commonwealth. This bill is identical to [HB 1258](#)

**SB 429 Solar facilities; local regulation.**

*Chief patron:* Stanley

Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic or architectural preservation district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality. The bill requires that any ground-mounted solar energy generation facility existing as of January 1, 2018, be deemed a legal nonconforming use, with certain exceptions. The bill has a delayed effective date of January 1, 2019, with respect to ground-mounted solar energy generation facilities. This bill is identical to HB 508.

**SB 567 Agricultural operations; nuisance.**

*Chief patron:* Obenshain

Requires agricultural operations to be in substantial compliance, defined in the bill, with applicable laws, regulations, and best management practices in order to be exempt from becoming a public or private nuisance. The bill prohibits a person from bringing a nuisance action against any agricultural operation the existence of which was known or reasonably knowable when that person's use or occupancy of his property began. The bill also prohibits anyone other than a person with an ownership interest in the affected property from bringing an action for private nuisance and sets out certain limitations on recovery for compensatory damages. This bill is identical to HB 987.

**SB 823 Wireless support structures; public rights-of-way use fees established.**

*Chief patron:* McDougle

Establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that VDOT may elect to continue enforcing any existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider existing prior to July 1, 2018. This bill is identical to HB 1427.

## Transportation Funding

### **HB 765 Transportation processes in the Commonwealth; responsibilities of transportation entities, funding.**

Expands the responsibilities of the Office of Intermodal Planning and Investment of the Secretary of Transportation (Office). The bill clarifies the residency requirements for the urban and rural at-large members of the Commonwealth Transportation Board (Board) and provides that no member of a governing body of a locality is eligible to be appointed to the Board during his term of office. The bill provides that the Board's Six-Year Improvement Program shall only commit funds from the State of Good Repair Program, the High Priority Projects Program, or the Highway Construction District Grant Programs to a project or program if such commitment is sufficient to complete the project or program. The bill changes the timing of reports from annually to biennially, expands the requirements of the biennial report provided by the Commissioner of Highways, and requires the Office to submit a biennial report as described in the bill. The bill decreases the maximum matching allocation that the Board may make to a locality from \$10 million to \$5 million and provides that no more than \$2.5 million of such funds can be used for the maintenance of highway systems. The bill changes the amount of Commonwealth funds allocated to the Board for revenue-sharing from no less than \$15 million and no more than \$200 million to not in excess of \$100 million or seven percent of funds available for distribution by the Board from all funds made available for highway purposes, whichever is greater.

**HB 1285 Transportation project selection in Northern Virginia; public meeting.**

*Chief patron:* LaRock

**Transportation project selection in Planning District 8 (Northern Virginia); public meeting.** Requires the Northern Virginia Transportation Authority, the Northern Virginia Transportation Commission, the Virginia Railway Express, and the Commonwealth Transportation Board to annually conduct a joint public meeting for the purposes of presenting to the public, and receiving public comments on, the transportation projects proposed by each entity in Planning District 8.

**HB 1539 Mass transit; establishing various Funds to improve transportation.**

*Chief patron:* Hugo

Makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to funding of the Washington Metropolitan Area Transit Authority (WMATA) and the disbursement of funds in the Commonwealth Mass Transit Fund. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill uses a variety of existing revenue sources to allocate revenues for mass transit, and authorizes the issuance of \$50 million in bonds only for a required federal match. The provisions of the bill are contingent upon Maryland, the District of Columbia, and the federal government adopting similar actions to raise revenues for WMATA. This bill incorporates [HB 1319](#) and is identical to [SB 856](#).

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

*Chief patron:* Surovell

An Act to amend and reenact § 15.2-2223 of the Code of Virginia, relating to local transportation plan; secondary system road construction program allocation; undergrounding utilities.

**SB 643 Transportation, Department of; electronic toll collection device fees or exchange.**

*Chief patron:* McPike

An Act to amend the Code of Virginia by adding in Article 4 of Chapter 2 of Title 33.2 a section numbered 33.2-280.1, relating to Department of Transportation; electronic toll collection device fees or exchange.

**SB 856 Mass transit; makes numerous changes to administration of and revenues for transit.**

*Chief patron:* Saslaw

Makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to funding of the Washington

Metropolitan Area Transit Authority (WMATA) and the disbursement of funds in the Commonwealth Mass Transit Fund. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill uses a variety of existing revenue sources to allocate revenues for mass transit, and authorizes the issuance of \$50 million in bonds only for a required federal match. The provisions of the bill are contingent upon Maryland, the District of Columbia, and the federal government adopting similar actions to raise revenues for WMATA. This bill incorporates [SB 393](#) and is identical to [HB 1539](#).

## Transportation Policy

### [HB 73](#) Speed limits; maximum speed on certain highways.

*Chief patron:* Thomas

Increases from 55 miles per hour to 60 miles per hour the maximum speed limit on U.S. Route 301, the entirety of U.S. Route 17, and State Routes 3 and 207. This bill is identical to SB 466.

### [HB 114](#) Golf carts and utility vehicles on public highways; equine events.

*Chief patron:* Webert

Authorizes the use of golf carts and utility vehicles to cross a one-lane or two-lane highway from one portion to another of a venue hosting an equine event, provided that the crossing occurs on the same day as the equine event, occurs in a temporary traffic control zone with a speed limit of no more than 35 miles per hour, and is monitored and controlled by a uniformed law-enforcement officer.

### [HB 134](#) Value engineering; raises minimum project cost.

*Chief patron:* Bell, John J.

Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. This bill is identical to SB 125.

### [HB 214](#) Overweight permits; vehicles for hauling Virginia-grown farm produce over bridges and culverts.

*Chief patron:* Knight

Provides that no five-axle combination vehicle shall be issued an overweight permit for hauling Virginia-grown farm produce unless such vehicle has no less than 42 feet of axle space between extreme axles. The bill provides that no vehicle issued an overweight permit for hauling Virginia-grown farm produce shall cross any bridge or culvert in the Commonwealth if the gross weight of such vehicle is greater than the amount posted for the bridge or culvert as its carrying capacity. Current law requires

specific weight limitations based upon axle weights or axle spacing. This bill is identical to SB 73.

**HB 236 Parked vehicles; registration, licensing, and titling requirements, improper use.**

*Chief patron:* Collins

Expands from vehicles operated on a highway to vehicles operated or parked on a highway the class of vehicles subject to registration, licensing, and titling requirements. The bill contains technical amendments.

**HB 387 Driver's license renewals; shall not be issued for more than eight years or less than five years.**

*Chief patron:* Keam

Provides that a driver's license shall not be issued for a period of less than five years, unless otherwise provided by law. Current law provides that a driver's license shall not be issued for more than eight years.

**HB 489 Registration and licensing of vehicles; payment of local taxes and fees.**

*Chief patron:* Hurst

Provides that in localities in which the treasurer or director of finance has entered into an agreement with the Commissioner of the Department of Motor Vehicles for the Commissioner to refuse to issue or renew vehicle registrations for persons with certain delinquent taxes or fees, the Commissioner may issue an initial registration for a period of up to 90 days for vehicles purchased subsequent to an enforcement action to allow the applicant to satisfy all applicable requirements, provided that the applicant pays a fee sufficient for the registration period.

**HB 505 Traffic signs; people with disabilities, posting of signs on certain roadways.**

*Chief patron:* Bell, Robert B.

Allows any person who is deaf, blind, or deaf-blind, any person with autism or an intellectual or developmental disability, or the agent of any such person to request that the Department of Transportation (Department) post and maintain signs informing drivers that a person with a disability may be present in or around the roadway and directs the Department to post and maintain such signs in accordance with regulations developed by the Department.

**HB 563 Motor vehicles, certain; flashing red or red and white warning lights.**

*Chief patron:* Fowler

Allows vehicles of the National Guard Chemical, Biological, Radiological, Nuclear and High Yield Explosive (CBRNE) Enhanced Response Force Package (CERFP) to utilize flashing, blinking, or alternating red or red and white combination warning lights when responding to an emergency.

**HB 1069 Vehicle registration; extension for satisfaction of certain requirements.**

*Chief patron:* Heretick

Expands eligibility for a one-month extension of a vehicle registration period to include persons whose vehicle registration has been withheld for failure to pay tolls. This bill is identical to SB 575.

**HB 1178 Motor vehicle dealers; injunctive relief for failure to obtain a license.**

*Chief patron:* Pillion

Provides that (i) the Motor Vehicle Dealer Board (the Board) or (ii) any licensed motor vehicle dealer who sustains injury or damage to his business or property may seek injunctive relief against any person who engages in business in the Commonwealth as a motor vehicle dealer or salesperson without a license. The bill further provides that if the Board or licensed motor vehicle dealer is successful, the court may also award reasonable attorney fees and costs.

**HB 1275 Virginia FOIA; record exclusion for trade secrets supplied to the VDOT.**

*Chief patron:* Aird

Excludes from the mandatory disclosure provisions of FOIA trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), supplied to the Department of Transportation as part of an audit, special investigation, or any study requested by the Department of Transportation. The bill provides that in order for such trade secrets to be excluded, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

**HB 1276 VDOT; review of enrollment in federal pilot program or project.**

*Chief patron:* Garrett

Requires the Department of Transportation to convene a work group to identify the implications of the Commonwealth's participation in a federal data collection pilot program or project involving six-axle tractor truck semitrailer combinations weighing up to 91,000 pounds and utilizing interstate highways. This bill is identical to SB 504.

**HB 1349 Trespass towing; exempts Planning District 16 from certain requirements.**

*Chief patron:* Fowler

Exempts Planning District 16 (George Washington) from any requirement by a towing advisory board for written authorization, in addition to a written contract, in the event that a vehicle is being removed from private property. The bill requires that localities in Planning District 16 establish by ordinance (i) a hookup and initial towing fee of \$135; (ii) an additional fee of \$25 for towing at night, on weekends, or on a holiday; and (iii) that no fee pursuant to clause (ii) shall be charged more than twice for a tow. This bill is identical to SB 601.

**HB 1354 Motor vehicles; covered & unlit lighting devices.**

*Chief patron:* Fariss

Provides that if certain lighting devices are unlit, have a clear lens, and have a clear reflector if the lighting device has a reflector, then a vehicle equipped with such lighting device may be operated on the highways without covering the lighting device.

**HB 1464 Motorcycles and autocycles; auxiliary lighting.**

*Chief patron:* Robinson

Provides that motorcycles and autocycles may be equipped with red or amber standard bulb running lights or light-emitting diode (LED) pods or strips as auxiliary lighting. The bill requires such lights to (i) be directed at the ground, (ii) be designed for vehicular use, (iii) not emit a beam of light greater than 25 candlepower per bulb, (iv) not be attached to wheels, and (v) not be blinking, flashing, oscillating, or rotating. Such lighting is not subject to approval by the Superintendent of State Police.

**HB 1525 Handheld personal communications devices; prohibits use in highway work zones.**

*Chief patron:* Yancey

Imposes a mandatory fine of \$250 for using a handheld personal communications device for reading emails or texting while operating a motor vehicle in a highway work zone, defined in the bill, when workers are present.

**SB 84 Fleet vehicles; temporary registration, penalty.**

*Chief patron:* Black

Provides that the Department of Motor Vehicles may issue to fleet logistics providers, defined in the bill, a temporary registration for certain fleet vehicles. The bill requires that such temporary registration expire on receipt of permanent license plates from the Department or another jurisdiction, or 30 days from issuance, whichever occurs first.

**SB 125 Value engineering; raises minimum project cost.**

*Chief patron:* Black

Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. This bill incorporates SB 117 and is identical to HB 134.

**SB 126 Driver education programs; parent/student driver education component.**

*Chief patron:* Cosgrove

Permits any school division outside Planning District 8, at the discretion of the local school board, to administer a parent/student driver education component as part of the driver education curriculum. Under both current law and the bill, such component is a requirement in Planning District 8 (Northern Virginia). The bill allows for school divisions outside Planning District 8 to administer such component in-person or online.

**SB 128 TNC partner vehicles; interior trade dress.**

*Chief patron:* Cosgrove

Provides that transportation network company (TNC) partner vehicles may be equipped with certain removable illuminated interior trade dress devices that assist passengers in identifying and communicating with TNC partners. The bill limits the display and color of such illuminated interior trade dress devices and requires a TNC that issues such devices to file the specifications of the device with the Department of Motor Vehicles. This bill is identical to HB 830.

**SB 129 Subdivision ordinance; pro rata share of certain road improvements.**

*Chief patron:* Cosgrove

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

**SB 213 Aircraft, public; definition.**

*Chief patron:* Cosgrove, Mason

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

**SB 249 All-terrain vehicles (ATVs), mopeds, and off-road motorcycles; taxation.**

*Chief patron:* Dance

Provides that all-terrain vehicles, mopeds, and off-road vehicles shall be subject to the motor vehicle sales and use tax but exempt from the retail sales and use tax. Current law provides that such vehicles are subject to the retail sales and use tax but exempt from the motor vehicle sales and use tax. The motor vehicle sales and use tax would be imposed at the same rate as the state and local sales and use tax: at a rate of six percent in Planning Districts 8 and 23 and 5.3 percent in the rest of the

state. The revenues collected from the motor vehicle sales tax on all-terrain vehicles, mopeds, and off-road vehicles would be distributed in the same manner as the state and local retail sales and use tax. The bill has a delayed effective date of October 1, 2018. This bill is identical to HB 1441.

**SB 679 Second highways; regulating of parking in Albemarle County.**

*Chief patron:* Deeds

Adds Albemarle County to the list of counties that may, by ordinance, regulate parking on secondary highways. This bill is identical to HB 776.

**SB 847 Purple Heart State; Department of Transportation to place and maintain signs along certain highways.**

*Chief patron:* Norment

Directs the Department of Transportation to place and maintain signs along certain highways reflecting the 2016 designation by the General Assembly of Virginia as a Purple Heart State.

**SB 908 Electric vehicle charging stations; local and public operation.**

*Chief patron:* McClellan

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

**SB 925 Signs or advertisements; location at certain truck stops.**

*Chief patron:* Ruff

Removes the requirement that a sign placed on real property visible to traffic proceeding on any Interstate System highway and advertising activities being conducted on the real property be located no more than 250 feet from the center of the advertised activity. This bill is identical to HB 1523.

## Other

### **HB 883 Regulatory reduction pilot program; Department of Planning and Budget to implement, report.**

*Chief patron:* Webert

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