

*Key Bills for
Planners:*

*Virginia General
Assembly 2016 Session*

*APA Virginia
Final Report*

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ELDON JAMES & Associates, Inc.
CONSULTANTS

INTRODUCTION

The following report lists key bills passed by the 2016 General Assembly. This replaces the preliminary report that was published in March 2016 and reflects the efforts of the reconvened session on April 20, 2016. Joint Resolutions do not go to the Governor and are approved once signed by Speaker of the House and President of the Senate. Unless otherwise listed all legislation takes effect July 1, 2016.

Some of these provisions will require a change in local codes and ordinances while others are applicable upon their effective date without action by localities. Much depends upon the structure of local codes so local government attorneys should be consulted early and often in this process.

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



American Planning Association
Virginia Chapter

Making Great Communities Happen

Our Mission:

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

Who We Are:

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

Making Great Communities Happen:

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

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Energy and Environment

Energy Efficiency

HB 283/SB 136 Electrical transmission line siting; hearing requested by locality.

Chief patron: Minchew/Favola

Requires the State Corporation Commission (SCC) to hold at least one hearing in the area that would be affected by construction of an electrical transmission line of 138 kV or more, upon the request of the governing body of any county or municipality through which the line is proposed to be built. Currently the SCC is required to conduct a hearing in the affected area if requested by 20 or more interested parties. The measure also provides that the affected localities are given the same protections whenever a significantly different route is deemed desirable by the SCC.

HB 444/SB 745 Electric utilities; notice of renewable power options.

Chief patron: Loupassi/Wagner

Requires the State Corporation Commission (SCC) to post on its website the names, telephone numbers, and available hyperlinks of suppliers of electric energy licensed to sell retail electric energy pursuant to a specific program. The measure applies to those suppliers that (i) expressly state in their applications for licensure, or for any renewal thereof, that they offer electric energy supplied from renewable energy to retail customers and (ii) request in any such applications that they be identified on the SCC's website as making such offers. The measure also requires each investor-owned electric utility to include at least once each calendar quarter in customer bills a notice directing them to the SCC's website.

HB 611/SB 85 Public utilities; regulation of rates and service, procedures of the State Corporation Commission.

Chief patron: Bell, Robert B./Garrett

Makes water and sewer companies subject to the rules of the State Corporation Commission (SCC) regarding meetings and communications between SCC commissioners and any party, or between commissioners and staff, concerning any fact or issue arising out of a proceeding involving the regulation of rates, charges, services, or facilities of a utility. The bill requires a public utility to send notice of a proposed rate increase electronically to customers who receive bills electronically. Every public utility providing water or sewer service is required to publish notice of changes in rates, tolls, charges, rules, and regulations at least once in one or more newspapers in circulation in its franchise area. The measure bars the SCC from dispensing with notice requirements applicable to water and sewer companies.

HB 1053/SB 395 Investor-owned electric utilities; energy efficiency programs, report.

Chief patron: Kilgore/Alexander

Directs the State Corporation Commission (SCC) to evaluate the establishment of uniform protocols for measuring, verifying, validating, and reporting the impacts of energy efficiency measures implemented by investor-owned electric utilities and the establishment of a methodology for estimating annual kilowatt savings and a formula to calculate the levelized cost of saved energy for such energy efficiency measures. The SCC shall submit a report of its findings and recommendations to the Governor and the General Assembly by December 1, 2016.

HB 1220 Electric utility; recover of cost of purchasing certain solar energy facilities.

Chief patron: Yancey

Clarifies that a provision enacted in 2015 that authorizes an investor-owned electric utility to recover the costs of purchasing certain solar generation facilities through a rate adjustment clause did not alter existing provisions that authorize the utility to recover the costs of constructing certain other types of facilities. The measure contains a statement that it is declarative of existing law. The measure applies to any petition or application filed before the State Corporation Commission on or after July 1, 2015, and contains an emergency clause.

EMERGENCY - Effective 2/12/16

HB 1305 Solar and wind energy equipment, etc.; tax exemptions.

Chief patron: Miller

Provides a sales and use tax exemption for machinery, tools, and equipment of a public service corporation used to generate energy derived from sunlight or wind, which expires June 30, 2027. The bill also alters the types of projects of solar photovoltaic (electric energy) systems that qualify for the real and personal property tax exemptions on photovoltaic equipment and facilities. The full exemption is for such equipment and facilities used in (i) projects equaling 20 megawatts or less for which an initial interconnection request form is filed on or before December 31, 2018; (ii) projects equaling 20 megawatts or less that serve a public institution of higher education or a private college; and (iii) projects equaling 5 megawatts or less for which an initial interconnection request form is filed on or after January 1, 2019. The exemption is for 80% of the assessed value of such equipment and facilities used in (a) projects greater than 20 megawatts for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization after January 1, 2015, and first in service on or after January 1, 2017, and (b) projects greater than 5 megawatts for which an initial interconnection request form is filed on or after January 1, 2019. Under current law, the property tax exemption is

for projects equaling 20 megawatts or less. The bill provides that the exemption for projects greater than 20 megawatts shall not apply to projects upon which construction begins after January 1, 2024. The bill has a delayed effective date of January 1, 2017.

Environment and Water Resources

HB 208 Tributary plans; repeals provisions that prescribe content of plans as part of tributary strategies.

Chief patron: Bulova

Repeals provisions that prescribe the content of tributary plans as part of the tributary strategies. Tributary strategies have been replaced by Watershed Implementation Plans (WIP).

HB 438/SB 292 Sediment reduction credits; use by Municipal Separate Storm Sewer Systems (MS4) permittees.

Chief patron: Bulova/Hanger

Authorizes Municipal Separate Storm Sewer System (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL. Currently, MS4s have similar authority for nitrogen and phosphorus; the bill adds a third pollutant, sediment. The sediment credits cannot be used if they are associated with phosphorus credits used in stormwater nonpoint nutrient runoff water quality criteria.

HB 440 Impaired waters clean-up plan; progress report, annual submission.

Chief patron: Lingamfelter

Reduces from semiannual to annual the requirement in the Chesapeake Bay and Virginia Waters Clean-Up and Oversight Act that the Secretary of Natural Resources submit a progress report on the implementation of the impaired waters clean-up plan to several legislative oversight committees.

HB 448/SB 314 Nutrient offset credits; allows new and expanding wastewater discharge facilities to acquire.

Chief patron: Cox/Dance

Allows a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, on land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL

Watershed Implementation Plan. The bill also allows the acquisition of credits or the allocation of credits under the general permit for a period longer than the current five-year restriction, subject to the approval of the State Water Control Board.

HB 526 Living shorelines; tax exemption from local property taxes.

Chief patron: Hodges

Provides that any living shoreline project approved by the Virginia Marine Resources Commission or the applicable local wetlands board and not prohibited by local ordinance shall qualify for full exemption from local property taxes.

HB 558 Onsite sewage systems and private wells; evaluation and design, report.

Chief patron: Orrock

Directs the State Health Commissioner to develop a plan for the orderly reduction and elimination of evaluation and design services by the Department of Health for onsite sewage systems and private wells, which shall provide for the protection of the public health as the Department transitions to accepting only applications that are supported by private site evaluations and designs from a licensed professional engineer or licensed onsite soil evaluator or, for any work subject to regulations governing private wells in the Commonwealth, by a licensed water well system provider. The Commissioner shall report to the Governor and the General Assembly by November 15, 2016.

HB 566 Licensed onsite soil evaluators; changes references in terminology.

Chief patron: Knight

Changes references to authorized onsite soil evaluators to the more accurate term "licensed onsite soil evaluators."

HB 611/SB 85 Water and sewer utilities; regulation.

Chief patron: Bell, Robert B./Garrett

Makes water and sewer companies subject to the rules of the State Corporation Commission (SCC) regarding meetings and communications between SCC commissioners and any party, or between commissioners and staff, concerning any fact or issue arising out of a proceeding involving the regulation of rates, charges, services, or facilities of a utility. The bill requires a public utility to send notice of a proposed rate increase electronically to customers who receive bills electronically. Water or sewer utilities are required to publish notice of changes in rates, tolls, charges, rules, and regulations at least once in one or more newspapers in circulation in its franchise area. The measure bars the SCC from dispensing with notice requirements applicable to water and sewer companies.

HB 647/SB 361 Tree conservation; locality to post signs on private property that is proposed to be redeveloped.

Chief patron: Sullivan/Favola

Provides that the ordinance may allow a locality to post signs on private property that is proposed to be redeveloped with one single family home that notifies the public that an infill lot grading plan is pending for review before the locality. The locality may not require the applicant to be responsible for such posting, and the failure to post the property shall not be a ground for denial of such grading plan.

HB 648 Sewage system or nonconforming system; development of procedure for processing requests.

Chief patron: Knight

Provides for the State Health Commissioner to develop a procedure for processing requests to approve an installed treatment works. The bill authorizes the Commissioner or his agent to approve a nonconforming treatment works under certain conditions and for an owner of real property to accept a voluntary upgrade as a condition for the approval of a nonconforming treatment works. In addition, the bill designates persons who may certify that the sewage treatment available for a building is safe, adequate, and proper.

HB 734 Noxious weeds; advisory committee to evaluate risks of a plant.

Chief patron: Hope

Establishes an advisory committee to evaluate the risks of a plant or part thereof that is being considered for designation as a noxious weed. The bill requires the advisory committee to assess the plant's (i) impact on water bodies, other plants, livestock, land, public health, the environment, and the economy and (ii) current and potential in-state commercial viability. The bill exempts from the definition of noxious weed any plant whose in-state production is commercially viable.

HB 903 Recurrent Flooding Resiliency, Commonwealth Center for; at various educational institutions.

Chief patron: Stolle

Designates the Commonwealth Center for Recurrent Flooding Resiliency jointly at Old Dominion University, the Virginia Institute of Marine Science, and The College of William and Mary to (i) serve, advise, and support the Commonwealth by conducting interdisciplinary studies and investigations and (ii) provide training, technical and nontechnical services, and outreach in the area of recurrent flooding and resilience research to the Commonwealth and its political subdivisions.

HB 919 Water and sewer service; canceling service for nonpayment of charges.

Chief patron: Mason

Shortens from two months to 30 days the period after which a locality providing water or sewer service may shut off service for unpaid charges.

HB 1250/SB 673 Virginia Erosion and Stormwater Management Act; consolidation of programs, opt-out for locations.

Chief patron: Wilt/Hanger

Combines existing statutory programs relating to soil erosion and stormwater management, directing the State Water Control Board (the Board) to permit, regulate, and control both erosion and stormwater runoff. The bill requires any locality that operates a municipal separate storm sewer system (MS4) or a Virginia Stormwater Management Program (VSMP) to adopt a Virginia Erosion and Stormwater Management Program (VESMP) that regulates any land-disturbing activity that disturbs an area of 10,000 square feet or more, or 2,500 square feet or more if in a Chesapeake Bay Preservation Area. A locality that lacks an MS4 and for which the Department of Environmental Quality (DEQ) is currently administering a VSMP is required to (i) adopt such a VESMP, (ii) adopt such a VESMP with DEQ conducting plan review and making recommendations on the compliance of each plan with technical criteria, or (iii) continue to operate a separate Virginia Erosion and Sediment Control Program (VESCP) that regulates any disturbance of 10,000 square feet or more and, in a Preservation Area, regulates a disturbance of 2,500 square feet or more and meets certain other requirements. Any eligible locality that chooses the third option is to have a VSMP administered on its behalf by the Board for any land-disturbing activity that disturbs one acre or more of land, including an activity that disturbs a smaller area but is part of a larger development that results in a disturbance of one acre or more. Towns are afforded additional options in relation to the counties in which they are located. The bill directs certain charges or penalties to the Stormwater Local Assistance Fund, which provides matching grants to local governments for stormwater best management practices. Finally, the bill directs DEQ to evaluate fees related to the consolidated Virginia Erosion and Stormwater Management Program and directs the Board to adopt regulations to carry out the purposes of the bill, delaying the effective date of the bill until the later of July 1, 2017, or 30 days after the adoption of such regulations.

HJ 31 Chesapeake Bay Awareness Week; designating second week in June 2016, and each year thereafter.

Chief patron: Lingamfelter

Designates the second week in June, in 2016 and in each succeeding year, as Chesapeake Bay Awareness Week in Virginia.

HJ 120 Biosolids and industrial residuals in Virginia; JLARC to study.

Chief patron: Landes

Directs the Joint Legislative Audit and Review Commission to analyze scientific literature on the health effects of biosolids (treated sewage sludge) and industrial residuals (wastes resulting from industrial processes), evaluate the feasibility of requiring municipal utilities that are currently permitted to generate "Class B" material to upgrade their facilities to generate "Class A" material, and undertake other analyses. This is a two-year study.

SB 407 Onsite sewage systems; conventional and alternative discharging systems, civil penalties.

Chief patron: Wexton

Provides that any locality that has a record of the location of conventional onsite sewage systems and alternative discharging systems and that meet certain other criteria may adopt an ordinance establishing a uniform schedule of civil penalties for violations of specified provisions for the operation and maintenance of such systems. Currently, the provisions apply only to alternative onsite sewage systems. The bill also provides that no criminal action shall proceed if the violation is abated or remedied through civil enforcement.

SB 443 Nutrient credit certification; regulations to establish timeline for consideration of applications.

Chief patron: Hanger

Directs the State Water Control Board (the Board) to establish a timeline for consideration of applications for land conversion projects. The Department of Environmental Quality will be required to deny, approve, or approve with conditions an application within 15 days of determining that the application is complete. Directs the Board to certify credits located in tributaries outside the Chesapeake Bay Watershed.

SB 598 Erosion and sediment control; compliance with stormwater management program.

Chief patron: DeSteph

Clarifies that certain flow rate capacity and velocity requirements for plans approved on and after July 1, 2014, shall be satisfied by compliance with Virginia Stormwater Management Program (VSMP) Regulations where the land-disturbing activity is conducted in accordance with extended permit coverage regulations.

SJ 58 Recurrent flooding; joint subcommittee to formulate recommendations.

Chief patron: Locke

Continues the study of recurrent flooding for two additional years and renames the Joint Subcommittee as the Joint Subcommittee on Coastal Flooding.

Ethics Reform

HB 238 Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions.

Chief patron: Lingamfelter

Provides an exception to the prohibition against officers and employees having contracts with their employing agencies for contracts by an officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under the Program. Under the bill, the exception applies to contracts entered into prior to July 1, 2016.

SB 652 State and Local Government Conflict of Interest Act; prohibited contracts; exceptions.

Chief patron: Lewis

Provides an exception to the prohibition against officers and employees having contracts with their employing agencies for contracts by an officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under the Program. Under the bill, the exception applies to contracts entered into prior to July 1, 2016. This bill incorporates SB 708.

SB 692 Conflicts of Interests Acts, State & Local Government & General Assembly, etc.; lobbyist reporting.

Chief patron: Norment

Requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April. Persons subject to the conflict of interests acts are required to file on or before January 15. The bill contains technical amendments to reflect the change in filing cycles. The bill also requires the Governor, Lieutenant Governor, Attorney General, members of the Governor's Cabinet, and members of the General Assembly to file on or before May 1 a separate report of gifts received during the regular session of the General Assembly. The bill also exempts from the definition of a gift the following: (i) any gift with a value of less than \$20; (ii) any food or beverage associated with an event that is accepted or received while in attendance at such event; (iii) any gift, including travel, from certain nonpartisan legislative organizations to a legislator or an officer or employee of the legislative branch if the legislator, officer, or employee is a member of such organization by virtue of his office or employment; and (iv)

any gift, including travel, from a charitable organization to a legislator or an officer or employee of the legislative branch if such organization has been approved by the Joint Rules Committee of the General Assembly to make gifts. The bill also prohibits the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event from being disclosed by a principal if that official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event. Reimbursement shall be calculated using the average value for each person attending the event. The bill also raises the threshold for what gifts need to be reported from \$50 to \$100. Finally, the bill provides that the orientation and refresher sessions conducted for members of the General Assembly by the Virginia Conflict of Interest and Ethics Advisory Council shall last no more than two hours. Under current law, the refresher session must last at least two hours and there is no durational requirement for the orientation session. This bill incorporates SB 213, SB 304, SB 657, and SB 738.

Housing and Building Codes

Building Codes

SB 453 Asbestos, Lead, and Home Inspectors, Virginia Board for; licensing of home inspectors.

Chief patron: Stanley

Provides that beginning July 1, 2017, home inspectors must be licensed by the Virginia Board for Asbestos, Lead, and Home Inspectors (the Board). Currently, home inspectors must be certified. The bill requires the Board to promulgate regulations to implement the provisions of the bill effective no later than July 1, 2017, and exempts the Board's initial adoption of such regulations from the Administrative Process Act (§ 2.2-4000 et seq.), with the exception that the Board must provide an opportunity for public comment prior to adoption. The bill contains a technical amendment.

Effective - see bill

Housing

HB 210 Housing; removal of obsolete provisions, correction of citation.

Chief patron: LeMunyon

Removes obsolete language regarding staggered terms for members of the Manufactured Housing Board and corrects a citation to the Housing Revitalization Zone Act (§ 36-157 et seq. of the Code of Virginia). This bill is a recommendation of the Virginia Code Commission.

HB 240 Homeless veterans; Secretary of Veterans and Defense Affairs to assist in a identification.

Chief patron: Lingamfelter

Requires the Secretary of Veterans and Defense Affairs to coordinate with federal, state, local, and private partners to assist homeless veterans in obtaining a state-issued identification card, in order to enable these veterans to access the available federal, state, local, and other resources they need to attain financial stability or address other issues that have adversely affected their lives.

HB 268/SB 414 Land Bank Entities Act; established.

Chief patron: Marshall, D.W./Barker

Authorizes the establishment of a land bank entity by any locality or two or more localities combined to assist in addressing vacant, abandoned, and tax-delinquent real properties. Under the bill, the locality has the option of (i) creating an authority or a nonprofit, nonstock corporation or (ii) designating an existing nonprofit entity that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953 to carry out the functions of such land entity. The bill provides that land bank entities may acquire real property within participating localities or receive transfers and conveyances from the participating localities. Land bank entities are authorized to receive funding through grants and loans from participating localities, the Commonwealth, the federal government, and other public and private sources. In addition, the bill authorizes a locality to deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax-delinquent property in exchange for conveyance of the property by the owner to a land bank entity. The bill also authorizes a participating locality to remit to the land bank entity up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity for up to 10 years after the conveyance. This bill is a recommendation of the Virginia Housing Commission.

HB 339 Recordation tax; securing of loan by locality for certain borrower.

Chief patron: Pogge

Provides an exemption from the grantor's tax if the grantor is a locality at a judicial sale of tax-delinquent property. The bill also provides an exemption from recordation tax for any deed of trust that secures a loan made by a locality to a borrower whose household income does not exceed 80% of the area median household income established by the U.S. Department of Housing and Urban Development for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home.

HB 477 Veterans care centers; issuance of bonds for certain projects.

Chief patron: Cox

Authorizes the Virginia Public Building Authority to issue bonds in the amount of \$29.3 million plus financing costs to construct veterans care centers in Northern Virginia and Hampton Roads.

HB 675 Auxiliary grants; supportive housing providers.

Chief patron: Peace

Extends eligibility for auxiliary grants to include individuals residing in supportive housing, provided that the supportive housing provider has entered into an agreement for

the provision of supportive housing with the Department of Behavioral Health and Developmental Services. The bill establishes requirements for providers of supportive housing that enter into agreements with the Department.

HB 735 Landlord and tenant laws; responsibility of landlord to pay certain costs, etc.

Chief patron: Miller

Provides under the landlord and tenant law and the Virginia Residential Landlord and Tenant Act (VRLTA) that unless a tenant is at fault in cases of mold needing remediation, the landlord is obliged to pay all costs associated with the tenant's temporary relocation as well as the costs of mold remediation. Among other things, the bill (i) provides that, except for applicable lawful householder's exemptions, nothing affects the right of a landlord with respect to an inchoate or perfected lien of a landlord on the personal property of a tenant of any leased or rented commercial or residential premises or the right of such landlord to distress, levy, and seize such personal property as otherwise provided by law; (ii) clarifies that residential provisions under the landlord and tenant law do not apply to dwelling units under the VRLTA; (iii) provides that a landlord's collection agency and a third party providing background screening or credit reporting services to the landlord or his managing agent may have access to tenant records; (iv) allows the landlord to charge a tenant for his records, if the rental agreement so provides; (v) clarifies that a landlord is not obligated to make repairs to address damages identified in the move-in inspection report unless otherwise required to do so under the VRLTA; (vi) requires a tenant to maintain carbon monoxide detectors to the standards established in the Uniform Statewide Building Code; and (vii) provides that if, upon inspection of dwelling unit, the landlord determines that repairs are necessary, the landlord may make such repairs and send the tenant an invoice for payment. If, upon inspection of the dwelling unit, the landlord discovers a violation of the rental agreement, the VRLTA, or other applicable law, the landlord may send a written notice of termination. If a tenant declines to permit the landlord or managing agent to exhibit the dwelling unit for sale or lease, the landlord may recover damages, costs, and reasonable attorney fees against such tenant. The bill contains technical corrections.

HB 741 Asbestos, Lead, and Home Inspectors, Virginia Board for; licensing of home inspectors.

Chief patron: Miller

Requires home inspectors to be licensed by the Virginia Board for Asbestos, Lead, and Home Inspectors (the Board). Currently home inspectors must be certified. The bill has a delayed effective date of July 1, 2017, and requires the Board to promulgate regulations to implement the bill's provisions to be effective no later than July 1, 2017. The Board's initial adoption of such regulations is exempt from the Administrative Process Act (§ 2.2-4000 et seq.), with the exception that the Board must provide an opportunity for public comment prior to adoption. The bill contains a technical amendment.

HB 742 Neighborhood Assistance Program; eligibility for tax credits.

Chief patron: Toscano

Creates an exception to the requirement that each affiliate of a neighborhood organization must also meet all program regulations and guidelines as a condition of the neighborhood organization's eligibility for tax credits. Under the bill, the general program requirements for proposals submitted to the Commissioner of Social Services that (i) at least 50 percent of the persons served by each affiliate of the neighborhood organization be low-income persons, (ii) at least 50 percent of the revenues of each affiliate of the neighborhood organization be used to provide services to such persons, (iii) each affiliate also meet the definition of a "neighborhood organization," and (iv) an audit, review, or compilation for each affiliate be furnished will not apply if (a) the neighborhood organization otherwise meets all program requirements and regulations, (b) the neighborhood organization received a fiscal year 2013-2014 allocation of neighborhood assistance tax credits, and (c) no affiliate of the neighborhood organization submits a proposal for or receives an allocation of tax credits for the program year for which the neighborhood organization has submitted its proposal. The exemption from the affiliate requirements is permanent and benefits neighborhood organizations applying for tax credits from the Commissioner of Social Services.

HB 746 Virginia Residential Property Disclosure Act; required disclosures, zoning and permitted uses.

Chief patron: Bell, John J.

Requires the disclosure to purchasers of the zoning classification or permitted uses of parcels adjacent to the parcel that is being purchased.

HB 1011 Rental inspection programs; exemptions.

Chief patron: Massie

Authorizes a locality to exempt a residential rental unit otherwise subject to a rental inspection ordinance if the unit is managed by (i) any person licensed as a real estate firm, real estate salesperson or broker, or business entity salesperson; (ii) any (a) property manager or (b) managing agent of a landlord; (iii) any owner of a publicly traded entity that manages its own multifamily residential rental units; or (iv) any owner or managing agent who, in the determination of the local governing body, has achieved a satisfactory designation as a professional property manager.

HB 1128 Spouse's liability for medical care; exemption for principal residence.

Chief patron: Habeeb

Provides that a lien arising out of a judgment for a spouse's emergency medical care shall not be enforced against the judgment debtor's principal residence held as tenants by the entirety unless the residence is refinanced or transferred to new owners.

HB 1146/SB 389 Local permitting or licensure; consent of common interest community association prohibited.

Chief patron: Hope/Surovell

Prohibits a locality from requiring consent of a condominium association, homeowners' association, or real estate cooperative prior to the issuance of a permit, certificate, or license, including a building permit or a business license.

HB 1209 Landlord and tenant law; tenant's assertions, forms of relief.

Chief patron: Collins

Provides that a general district court may (i) terminate a lease upon the request of the tenant or (ii) order the dwelling unit surrendered to the landlord if the landlord prevails on a request for possession in an unlawful detainer action. Under current law, the court may decide to terminate the lease without a request for termination by the tenant. The bill contains technical amendments.

HB 1264 Virginia Residential Property Disclosure Act; representations related to covenants, report.

Chief patron: Robinson

Provides that, in delivering the residential property disclosure statement to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act, the owner makes no representations with respect to (i) any covenants and restrictions that may be recorded in land records that affect the real property or any improvements located on the property, (ii) zoning classification or permitted uses of adjacent parcels, or (iii) the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks, . The bill also replaces a reference to "certified home inspection" with "home inspection," relating to a prospective purchaser's exercise of due diligence. The bill requires the Housing Commission to study the provisions of the Virginia Residential Property Disclosure Act to determine whether the required disclosures contained in such Act may be consolidated or otherwise addressed in a more comprehensive way. The Housing Commission shall report its findings and any recommendations for legislation to the Chairmen of the House

Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2016.

SB 204 Real estate settlement agents; adds to provisions relating to agents, "closing disclosure."

Chief patron: Stuart

Adds to provisions relating to real estate settlement agents a new term, "closing disclosure," defined in the bill as the combined mortgage loan disclosure statement of final loan terms and closing costs prescribed under the Real Estate Settlement Procedures Act (12 U.S.C. § 2601 et seq.) and the Consumer Financial Protection Bureau Regulation X (12 C.F.R. Part 1024 et seq.), and Regulation Z (12 C.F.R. Part 1026 et seq.), to comply with changes made by the federal Consumer Financial Protection Bureau to the real estate closing process. The bill also makes the settlement agent's registration fee nonfundable. The bill removes the requirement of the Bureau of Insurance to notify the Virginia State Bar to terminate a settlement agent's registration upon termination of his last appointment because the Bureau and not the Virginia State Bar administers the licensing process.

SB 237 Virginia Property Owners' Association Act; condemnation of common area.

Chief patron: Petersen

Provides that, for the purposes of condemnation, the value of a portion of a common area of a property owners' association shall be based on the common area's highest and best use as though it were free from restriction to sole use as a common area.

Administration of Local Government

Elections & Redistricting

HB 88 General registrars and members of electoral boards; annual training, office closures for training.

Chief patron: Cole

Requires each member of an electoral board to attend an annual training program provided by the State Board of Elections in the first year of his appointment and in the first year of any subsequent reappointment. The bill also requires the general registrars to attend an existing annual training program provided by the State Board but allows a general registrar to designate a member of his staff to attend such training if he is unable to attend because of a personal or family emergency. The bill also provides for the closure of the offices of the general registrars for training purposes.

HB 104 Voting equipment; locking and sealing of voting and counting machines after election.

Chief patron: O'Bannon

Provides that if a voting or counting machine secured by removal of a data storage device containing the only record of votes cast for any office or on any question and the machine itself does not contain such a record, that machine is required to remain locked and sealed only until it is returned to the site at which voting and counting machines are stored in the locality. The sealed envelopes containing the equipment keys for such machines are required to be delivered to the electoral board no later than noon on the day following the election. The bill also provides that the requirements for locking and sealing voting equipment do not apply to any ballot marking device and its data storage device provided to meet accessibility requirements, where the number of persons voting in the election or the number of votes cast for any office or on any question are not recorded by the ballot marking device. All other voting systems are subject to current provisions for the locking and sealing of equipment.

HB 105/SB 316 Contests of election for certain elections; service of process.

Chief patron: O'Bannon/Dance

Requires that contestees in a contest of (i) a primary election for the United States House of Representatives, the General Assembly, or a local office or (ii) any election for a local office be served by the contestant with a copy of the complaint within 30 days following the date of the election in the case of a general election and within 10 days following the date of the election in the case of a primary or special election held on a date other than that of a general election.

HB 189 Satisfactory evidence of identity; United States Passport Book and United States Passport Card.

Chief patron: Bulova

Clarifies that both a United States Passport Book and a United States Passport Card are acceptable forms of identification of an individual for notarization. Current law states that a United States Passport is acceptable, but does not specifically include both as acceptable forms of identification. A United States Passport Card is not valid for travel by international air, but does include on it a photograph of the holder. Finally, the bill clarifies that all acceptable forms of identification must be unexpired. The bill contains a technical amendment.

HB 456 Absentee ballots; electronic transmission by general registrars.

Chief patron: Murphy

Provides that when a voter who is eligible to request to receive certain absentee voting materials, including the absentee ballot, by electronic transmission so requests, the email address or fax number used by the general registrars to send such materials shall be the official email address or fax number of the office of the general registrar published on the Department of Elections website. The bill authorizes the State Board of Elections to prescribe by regulations the format of the email address to be used to transmit ballots to eligible voters and also allows the general registrars to use electronic transmission facilities provided by the Federal Voting Assistance Program. The bill does not provide for the return by electronic means of a voted absentee ballot.

HB 1030/SB 574 Officers of election; required training every two years.

Chief patron: Sickles/McEachin

Requires each officer of election to receive training at least once during the term for which he was appointed and whenever there is a change to election procedures that alters the duties or conduct of the officers of election. The State Board of Elections is required to (i) develop standardized training programs, (ii) provide standardized training materials, and (iii) offer on the Department of Elections website an online training course. The bill requires the training of the officers of election to be conducted by the local electoral boards and general registrars, using the standardized training programs and materials developed by the State Board, but gives the local electoral boards and general registrars the option to instead require the officers of election complete the online training course offered by the State Board.

HB 1145/SB 382 Electoral boards, local; reassigning certain duties related to elections administration.

Chief patron: Cole/Vogel

Reassigns duties of the electoral boards related to elections administration to the general registrars. When performing these duties, the general registrars are acting in their capacity as directors of elections.

SB 137 Absentee ballots; electronic transmission by general registrars.

Chief patron: Favola

Provides that when a voter who is eligible to request to receive certain absentee voting materials, including the absentee ballot, by electronic transmission so requests, the email address or fax number used by the general registrars to send such materials shall be the official email address or fax number of the office of the general registrar published on the Department of Elections website. The bill authorizes the State Board of Elections to prescribe by regulations the format of the email address to be used to transmit ballots to eligible voters and also allows the general registrars to use electronic transmission facilities provided by the Federal Voting Assistance Program. The bill does not provide for the return by electronic means of a voted absentee ballot.

SB 190 Voting systems; prohibits use of direct recording electronic machines (DREs) after July 1, 2020.

Chief patron: Miller

Voting systems; use of direct recording electronic machines. Prohibits the use of direct recording electronic machines (DREs) in elections on and after July 1, 2020. The governing bodies of counties and cities have been prohibited from acquiring DREs for use in elections since July 1, 2007, but under current law the use of previously acquired DREs is permitted for the remainder of their useful life. The bill also removes references to DREs in other sections and makes technical amendments to terminology.

SB 308 Vacancies in constitutional offices; petition to circuit court to request no special elections.

Chief patron: Hanger

Allows the governing body of a county or city in which a vacancy in a constitutional office has occurred to request in its petition for a writ of election that the circuit court order the special election to be held at the next ensuing general election and allows the court to issue such writ. The bill also authorizes the governing body to petition the circuit court to request that no special election be ordered when the vacancy occurs within the 12 months

immediately preceding the end of the term of that office and requires the court to grant such a request. The bill also contains technical amendments.

SB 315 Voting equipment; locking and sealing of voting and counting machines after election.

Chief patron: Dance

Provides that if a voting or counting machine secured by removal of a data storage device containing the only record of votes cast for any office or on any question and the machine itself does not contain such a record, that machine is required to remain locked and sealed only until it is returned to the site at which voting and counting machines are stored in the locality. The sealed envelopes containin the equipment keys for such machines are required to be delivered to the electoral board no later than noon on the day following the election. The bill also provides that the requirements for locking and sealing voting equipment do not apply to any ballot marking device and its data storage device provided to meet accessibility requirements, where the number of persons voting in the election or the number of votes cast for any office or on any question are not recorded by the ballot marking device. All other voting systems are subject to current provisions for the locking and sealing of equipment.

Eminent Domain

SB 109 Eminent domain proceedings; commissioners to be summoned at least 30 days prior to service.

Chief patron: Petersen

Requires commissioners in eminent domain proceedings to be summoned at least 30 days prior to service. Under current law, such summons is required at least one week prior to service.

SB 237 Virginia Property Owners' Association Act; condemnation of common area.

Chief patron: Petersen

Provides that, for the purposes of condemnation, the value of a portion of a common area of a property owners' association shall be based on the common area's highest and best use as though it were free from restriction to sole use as a common area.

FOIA

HB 220 Virginia FOIA; public access to resumes and other information related to gubernatorial appointee.

Chief patron: Taylor

Provides that the personnel, working papers, and correspondence record exemption shall not be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor. The bill further provides that the resumes and applications for appointment submitted by persons who are appointed by the Governor shall be available to the public upon request. The bill provides that its provisions apply to persons appointed by the Governor on or after July 1, 2016. The bill contains technical amendments.

HB 817 Virginia Freedom of Information Act; record exclusions, rule of redaction

Chief patron: LeMunyon

Reverses the holding of the Virginia Supreme Court in the case of Department of Corrections v. Surovell, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as is it existed prior to the September 17, 2015 decision of the Supreme Court of Virginia in the case of the Department of Corrections v. Surovell. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of Department of Corrections v. Surovell by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments.

HB 818 Virginia Freedom of Information Act; designation of officer, posting of rights and responsibilities.

Chief patron: LeMunyon

Requires certain local public bodies to post a FOIA rights and responsibilities document on its respective public government website. Also requires all state public bodies created in the executive branch of state government, including state authorities, and all local public bodies that are subject to FOIA to designate and publicly identify one or more FOIA

officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. Requires that any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council.

HB 1013 Threat assessment teams; dissemination of certain records and information.

Chief patron: Massie

Excludes from the Virginia Freedom of Information Act any records received by the Department of Criminal Justice Services pursuant to the operation of or for the purposes of evaluating threat assessment teams and oversight committees, school safety audits, and school crisis, emergency management, and medical emergency response plans of public schools and threat assessment teams of public institutions of higher, to the extent such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components. The bill allows criminal record, juvenile record, and health record information to be disseminated to members of a threat assessment team established by a local school board. Current law allows only threat assessment teams established by an institution of higher education to access such information. The bill provides that no member of a threat assessment team shall redisclose any such information or use the information beyond the purpose for which the disclosure was made.

HB 1016 Sexual assault response teams; participants in annual meeting, FOIA exclusion for records.

Chief patron: Massie

Adds the Title IX coordinator; representatives from the office of student affairs, human resources, and counseling services; and a representative of campus security of any institution of higher education in the jurisdiction to the list of persons invited to participate in the annual meeting of a sexual assault response team. The bill also excludes the records of a sexual assault response team from mandatory disclosure under the Virginia Freedom of Information Act.

HB 1318 Virginia Freedom of Information Act; noncriminal incidents and reports.

Chief patron: Fowler

Clarifies that the FOIA exclusion for noncriminal incidents and reports applies to any public body that engages in criminal law-enforcement activities and does not rely on the definition of "noncriminal incidents records" in § 15.2-1722 of the Code of Virginia. The bill addresses a decision of the Virginia Supreme Court in Fitzgerald v. Loudoun County Sheriff's Office.

SB 493 FOIA; closed meeting not authorized for discussion of pay increases.

Chief patron: Surovell

Clarifies that nothing in the personnel exemption in the open meetings law of FOIA shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

SB 564 Virginia Freedom of Information Act; exclusions for school personnel licensure applications.

Chief patron: Norment

Excludes records of an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, from the provisions of the Freedom of Information Act.

SB 645 FOIA; exempt records concerning critical infrastructure information.

Chief patron: McPike

Defines the terms "critical infrastructure," "government infrastructure," "interdependency," and "security information" for purposes of FOIA and revises the related FOIA public safety record exemption to incorporate those terms. The bill also sets out conditions precedent in cases where a custodian of any public safety records elects to exercise his discretion to release such records. The bill contains technical amendments.

EMERGENCY – Effective 4/6/16

Local Authority

HB 80 Property certified as tax exempt; effective date of tax exemption.

Chief patron: Byron

Provides that once the required certification for tax exemption is made by a state or local authority for pollution control equipment and other real and personal property that is required to be certified in order to be exempt, such property will be deemed to be exempt as of the date the property is placed in service. Current law requires that certain pollution control, recycling, and solar energy real and personal property placed in service must be certified as being used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth in order to be exempt from local property taxes but does not specify the beginning date for the exemption.

HB 117/SB 719 Boats or other watercraft; excess width permits for transporting vehicles.

Chief patron: Knight/DeSteph

Authorizes the Commissioner of the Department of Motor Vehicles to issue permits for vehicles transporting boats or other watercraft that exceed an outside width of 102 inches but do not exceed an outside width of 108 inches; under current law, no such vehicle shall exceed an outside width of 102 inches.

HB 148/SB 445 Real property tax assessment; changes date counties, cities, and towns are required to fix tax rate.

Chief patron: Fowler/McDougle

Changes from April 15 to May 15 the date by which a county, city, or town is required to fix the real property tax rate for taxes due on or before June 30.

HB 168 Passing stopped school buses; mailing of summons.

Chief patron: LaRock

Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus.

HB 233/SB 79 Fire or rescue volunteers; mental health treatment; funding by locality.

Chief patron: Minchew/Wexton

Allows any locality to fund the cost of participation in mental health treatment and counseling programs by a member of a volunteer fire or rescue company. A mental health program in which such volunteers are eligible to participate must be comparable to an employee assistance program offered to paid employees of the locality.

HB 268/SB 414 Land Bank Entities Act; established.

Chief patron: Marshall, D.W./Barker

Authorizes the establishment of a land bank entity by any locality or two or more localities combined to assist in addressing vacant, abandoned, and tax-delinquent real properties. Under the bill, the locality has the option of (i) creating an authority or a nonprofit, nonstock corporation or (ii) designating an existing nonprofit entity that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953 to carry out the functions of such land entity. The

bill provides that land bank entities may acquire real property within participating localities or receive transfers and conveyances from the participating localities. Land bank entities are authorized to receive funding through grants and loans from participating localities, the Commonwealth, the federal government, and other public and private sources. In addition, the bill authorizes a locality to deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax-delinquent property in exchange for conveyance of the property by the owner to a land bank entity. The bill also authorizes a participating locality to remit to the land bank entity up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity for up to 10 years after the conveyance. This bill is a recommendation of the Virginia Housing Commission.

HB 412 Aircraft, certain; local regulation.

Chief patron: Kilgore

Provides that no locality may regulate the use of privately owned, unmanned aircraft systems within its boundaries. The provisions of the bill expire on July 1, 2019.

HB 467 Manufacturing companies; limited standing to seek injunctive relief against companies.

Chief patron: Head

Provides that no action shall be initiated or maintained to enjoin the continued use and operation of a previously existing manufacturing company solely on the basis of a claimant's use of a public park, recreational facility, or playground or public greenway. The bill does not limit actions brought by the Commonwealth, a locality, or another entity designated by the locality to have authority over the operation of a public park, recreational facility, or playground.

HB 535 Beekeepers; limited liability.

Chief patron: Bell, Richard P.

Provides that a beekeeper shall not be liable for any personal injury or property damage that occurs in connection with his keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, or appliances if he follows best management practices established in regulations adopted by the Board of Agriculture and Consumer Services. The immunity does not extend to intentional tortious conduct or acts of omissions that constitute gross negligence or negligence. The Board is directed to adopt initial regulations to be effective no later than November 1, 2016.

HB 907 Virginia Public Procurement Act; term contracts for architectural and engineering services.

Chief patron: Minchew

Grants an exemption from the monetary caps for architectural and engineering services to transportation district commissions. The bill contains technical amendments.

HB 1032 Vehicle registration; locality may impose penalty on owner annually as long as vehicle unregistered.

Chief patron: Sickles

Clarifies that a locality may impose a penalty of up to \$250 upon the resident owner of a motor vehicle annually for as long as the motor vehicle remains unregistered in Virginia.

HB 1108 Virginia Public Procurement Act; contracting generally, use of experience modification factor.

Chief patron: Webert

Prohibits the use of any experience modification factor as a condition of any bidder's or offeror's eligibility to participate in a solicitation for construction. The bill includes the above provision for any contract or offer to contract not covered by the VPPA. The bill also provides that it applies to any offer to contract as defined in the bill, Invitation to Bid, or Request for Proposal for construction services issued on or after July 1, 2016. The bill defines "experience modification factor."

HB 1146/SB 389 Local permitting or licensure; consent of common interest community association prohibited.

Chief patron: Hope/Surovell

Prohibits a locality from requiring consent of a condominium association, homeowners' association, or real estate cooperative prior to the issuance of a permit, certificate, or license, including a building permit or a business license.

HB 1166 Virginia Public Procurement Act; small purchase procedures, transportation-related construction.

Chief patron: Morefield

Provides that a public body may establish small purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts for transportation-related construction if the aggregate or sum of all phases is not expected to exceed \$25,000.

HB 1260 Declaration of local emergency; increases time in which localities call a session.

Chief patron: Hodges

Increases from 14 days to 45 days the time in which a local governing body shall call a special session, if a regularly scheduled session is not held, in order to confirm the declaration of a local emergency.

HB 1299/SB 229 U. S. of America and the Commonwealth of Virginia; purchase of flags by public bodies.

Chief patron: Edmunds/McEachin

Provides that whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag must be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States, if available. The bill has a delayed effective date of July 1, 2017.

SB 163 Driving in flooded areas; localities may by ordinance prohibit, penalties.

Chief patron: Locke

Allows localities to by ordinance prohibit any person from operating a motor vehicle or watercraft on a flooded street in such a manner as to increase the level of floodwaters to a level that causes or could reasonably be expected to cause damage to any real or personal property and creates a Class 4 misdemeanor for a violation of such ordinance. The bill requires a locality to post signs warning of the prohibition and penalties. This prohibition does not apply to law-enforcement officers, firefighters, emergency medical services personnel, or operators of Department of Transportation or utility vehicles in the performance of their official duties.

SB 367 Coyotes; county or city ordinances, permits hunting with a rifle caliber larger than .22 rimfire.

Chief patron: McDougale

Adds the hunting of coyotes with a rifle of a caliber larger than .22 rimfire to the list of firearm-hunting topics about which a county or city is authorized to adopt ordinances. Current law allows the governing body of a county or city to adopt ordinances prohibiting hunting with certain types of shotguns, permitting groundhog hunting under certain conditions, permitting hunting with muzzleloaders, and specifying permissible ammunition types. The bill contains technical amendments.

SB 418 Virginia Public Procurement Act; installation of artificial turf or other athletic surfaces.

Chief patron: Vogel

Excludes the purchase of installation of artificial turf or other athletic surfaces and all associated and necessary construction from the prohibition on using cooperative procurement to purchase construction.

SB 517 State agencies; utilization of service disabled veteran businesses.

Chief patron: McPike

Requires every state agency to include as a component of any small business enhancement measure implemented by the Governor pursuant to subsection C of § 2.2-4310 of the Code of Virginia a requirement for a minimum of five percent utilization of service disabled veteran businesses as defined in § 2.2-2001 of the Code of Virginia.

SB 527 Bomb threats; reimbursement of expenses incurred in emergency response.

Chief patron: Stuart

Authorizes any locality to provide by ordinance that a person convicted of a felony violation of the bomb threat statute or the statute that penalizes the incitement of a bomb threat shall be liable for the reasonable expense, not to exceed \$1,000, of an appropriate emergency response to the threat. Current law allows such an ordinance to subject a person to liability for the expense of the emergency response to an imitation version of a weapon of terrorism or fire bomb or other explosive device.

SB 542 Delinquent sewer charges; lien on property, delinquent charges.

Chief patron: Obenshain

Allows a locality that provides water or sewer service to a property owner, rather than to a tenant, to place a lien on the property receiving the service in the amount of the number of months of delinquent charges. Current law allows the placement of liens in the amount of up to three months of delinquent water and sewer charges.

SB 690 Local tax officials; electronic dissemination of tax bills and tax documents.

Chief patron: Petersen

Authorizes treasurers, commissioners of the revenue, and other local tax officials to convey tax bills and other tax documents via electronic means, with the consent of the taxpayer, in lieu of mailing the bill or document. Current law only authorizes the treasurer to convey

tax bills via electronic means. The bill also clarifies that consent of the taxpayer may be obtained electronically, so long as the taxpayer's identity is reasonably verified.

SB 704 Overtime compensation; broadens definition of fire protection employees.

Chief patron: Lucas

Broadens the definition of "fire protection employee" for the purposes of determining eligibility for overtime compensation.

Local Revenue

HB 15 Personal property tax; classifications.

Chief patron: Ware

Provides that if an item of tangible personal property falls within multiple classifications for local taxation, the rate of taxation is the lowest rate assigned to such classifications. Current law provides that such personal property tax treatment applies only to motor vehicles and to computer equipment and peripherals used in a data center.

HB 127/SB 99 Real property tax; exemption on residence of spouse of military service member killed in action.

Chief patron: Knight/Cosgrove

Clarifies that "killed in action" includes includes a determination by the U.S. Department of Defense of "died of wounds received in action" for purposes of the real property tax exemption on the residence of the surviving spouse.

HB 339 Recordation tax; securing of loan by locality for certain borrower.

Chief patron: Pogge

Provides an exemption from the grantor's tax if the grantor is a locality at a judicial sale of tax-delinquent property. The bill also provides an exemption from recordation tax for any deed of trust that secures a loan made by a locality to a borrower whose household income does not exceed 80% of the area median household income established by the U.S. Department of Housing and Urban Development for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home.

HB 421 Real property tax; exemptions for military members and their surviving spouses.

Chief patron: Helsel

Extends the property tax exemptions for the principal residences of certain disabled veterans and surviving spouses of members of the armed forces killed in action to include real property improvements made to the land surrounding such residences so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects and (ii) for other than a business purpose.

Article X, Section 6-A of the Constitution of Virginia exempts from local real property taxes the principal residences of (i) veterans with a 100 percent service-connected, permanent, and total disability and (ii) surviving spouses of members of the armed forces killed in action. Under the Code of Virginia, in general, up to one acre upon which the principal residence is situated is also exempt from local property taxes. The bill extends the exemption to other improvements made to such one acre so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects and (ii) for other than a business purpose. The provisions of the bill are effective for tax years beginning on or after January 1, 2017.

HB 537 Clerk of circuit court; local fees and fines paid directly to local government.

Chief patron: Minchew

Directs the clerk of the circuit court to pay local fees and fines collected by the general district or juvenile and domestic relations district courts directly to the local government.

HB 596 Recordation tax; exemption of certain deeds of partition and deeds transferring property.

Chief patron: Simon

Exempts from recordation tax (i) certain deeds of partition and (ii) deeds transferring property pursuant to a divorce decree. Under current law, the tax on such deeds is \$0.50.

HB 910/SB 597 Appeal of tax assessments; prior to receipt of information, person to sign acknowledgment of order.

Chief patron: Minchew/Cosgrove

Provides that, prior to the release of any confidential tax information pursuant to a discovery order, with regard to an application for relief to a circuit court to correct erroneous assessments of local taxes, the court shall issue an order stating that no entity or person who has obtained such confidential information shall disclose, exhibit, or discuss the information except as provided in the order. Requires that any outside expert or person who may be called as a witness given access to such confidential information be required

to sign an acknowledgment of the order and agree to be bound by its terms and subject to the jurisdiction of the court for its enforcement.

HB 1191 Retail Sales and Use Tax; exemption for certain items sold by a sheriff at a correctional facility.

Chief patron: Knight

Exempts from sales and use tax items sold by a sheriff at a local correctional facility to inmates and sales of prepared food within the correctional facility.

HJ 123 Constitutional amendment; real property tax exemption.

Chief patron: Hugo

Provides that the General Assembly may provide for a local option to exempt from taxation the real property that is the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty.

SB 416 Limited Residential Lodging Act; established, penalty.

Chief patron: Vogel

Establishes the Limited Residential Lodging Act (the Act), which allows persons to rent out their primary residences or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform. Localities are preempted from adopting ordinances or zoning restriction prohibiting such short-term rentals, but authorized to adopt ordinances requiring persons renting their primary residences to have a minimum of \$500,000 of liability insurance, prohibiting persons from renting their primary residences if they fail to pay applicable taxes, and requiring persons renting their primary residences to register with the locality. A hosting platform must register with the Department of Taxation to collect and remit all applicable taxes on behalf of the property owner using the hosting platform. The bill defines "limited residential lodging," "booking transaction," and "hosting platform" and provides for penalties for violations of the Act. The bill contains a reenactment clause and directs the Housing Commission to convene a workgroup to further study the issues presented in the bill and make recommendations for consideration by the 2017 Session of the General Assembly.

Effective – see bill

SB 553 Nursing facilities; electronic monitoring.

Chief patron: Cosgrove

Directs the Board of Health (the Board) to promulgate regulations governing audio-visual recording of patients in nursing homes by July 1, 2017, and requires the Department of Health to convene a workgroup of stakeholders to make recommendations on such regulations. The workgroup shall report its recommendations to the Board and the General Assembly by December 1, 2016.

SB 563 RS&UT; exemption for materials & equipment used to drill natural gas & oil, sunset provision.

Chief patron: Norment

Extends the sunset from July 1, 2016, to July 1, 2022, for the sales and use tax exemption for machinery and tools, materials, and supplies used to drill, extract, or process natural gas or oil.

Planning and Land Use

Land Conservation, Open Space, Parks, PDRs

HB 268/SB 414 Land Bank Entities Act; established.

Chief patron: Marshall, D.W./Barker

Authorizes the establishment of a land bank entity by any locality or two or more localities combined to assist in addressing vacant, abandoned, and tax-delinquent real properties. Under the bill, the locality has the option of (i) creating an authority or a nonprofit, nonstock corporation or (ii) designating an existing nonprofit entity that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953 to carry out the functions of such land entity. The bill provides that land bank entities may acquire real property within participating localities or receive transfers and conveyances from the participating localities. Land bank entities are authorized to receive funding through grants and loans from participating localities, the Commonwealth, the federal government, and other public and private sources. In addition, the bill authorizes a locality to deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax-delinquent property in exchange for conveyance of the property by the owner to a land bank entity. The bill also authorizes a participating locality to remit to the land bank entity up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity for up to 10 years after the conveyance. Recommendation of the Virginia Housing Commission.

HB 1344/SB 731 Bonds; certain capital projects.

Chief patron: Jones/Hanger, Norment

Authorizes the Virginia Public Building Authority and the Virginia College Building Authority to issue bonds in a total aggregate amount not to exceed \$2,067,651,677 plus costs to fund certain capital projects, including certain state parks.

Land Use & Growth Management

HB 114 Agritourism; notice posted on signs to read "ATTENTION" rather than "WARNING" at locations.

Chief patron: Knight

Provides the operators of agritourism locations with the option of using the terms "WARNING" or "ATTENTION" on signage or contracts that indicate the operator's immunity from liability in the case of injury or death while at the facility. If such notice is not provided, the operator cannot invoke the immunity privilege.

HB 283/SB 136 Electrical transmission line siting; hearing requested by locality.

Chief patron: Minchew/Favola

Requires the State Corporation Commission (SCC) to hold at least one hearing in the area that would be affected by construction of an electrical transmission line of 138 kV or more, upon the request of the governing body of any county or municipality through which the line is proposed to be built. Currently the SCC is required to conduct a hearing in the affected area if requested by 20 or more interested parties. The measure also provides that the affected localities are given the same protections whenever a significantly different route is deemed desirable by the SCC.

HB 367 Nonconforming uses; uses that do not conform to zoning prescribed for district, etc.

Chief patron: Davis

Provides that if a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing.

HB 526 Living shorelines; tax exemption from local property taxes.

Chief patron: Hodges

Provides that any living shoreline project approved by the Virginia Marine Resources Commission or the applicable local wetlands board and not prohibited by local ordinance shall qualify for full exemption from local property taxes.

HB 647/SB 361 Tree conservation; locality to post signs on private property that is proposed to be redeveloped.

Chief patron: Sullivan/Favola

Provides that the ordinance may allow a locality to post signs on private property that is proposed to be redeveloped with one single family home that notifies the public that an infill lot grading plan is pending for review before the locality. The locality may not require the applicant to be responsible for such posting, and the failure to post the property shall not be a ground for denial of such grading plan.

HB 746 Virginia Residential Property Disclosure Act; required disclosures, zoning and permitted uses.

Chief patron: Bell, John J.

Requires the disclosure to purchasers of the zoning classification or permitted uses of parcels adjacent to the parcel that is being purchased.

SB 237 Virginia Property Owners' Association Act; condemnation of common area.

Chief patron: Petersen

Provides that, for the purposes of condemnation, the value of a portion of a common area of a property owners' association shall be based on the common area's highest and best use as though it were free from restriction to sole use as a common area.

SB 407 Onsite sewage systems; conventional and alternative discharging systems, civil penalties.

Chief patron: Wexton

Provides that any locality that has a record of the location of conventional onsite sewage systems and alternative discharging systems and that meet certain other criteria may adopt an ordinance establishing a uniform schedule of civil penalties for violations of specified provisions for the operation and maintenance of such systems. Currently, the provisions apply only to alternative onsite sewage systems. The bill also provides that no criminal action shall proceed if the violation is abated or remedied through civil enforcement.

SB 549 Conditional zoning; provisions applicable to certain rezoning proffers.

Chief patrons: Obenshain, Saslaw

Provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use applied for. An offsite proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility such that (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with

respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial.

Transportation

Funding

HB 23 Fuels tax; refunds of taxes to certain nonprofit entities.

Chief patron: Farrell

Provides refunds of fuels taxes for fuels used in highway vehicles owned by a § 501(c)(3) entity organized with a principal purpose of providing hunger relief services or food to the needy, when such vehicle is used solely for providing such hunger relief services or food to the needy.

HB 97 Interstate 95; VDOT, et al., to evaluate traffic congestion in Stafford and Spotsylvania Counties.

Chief patron: Cole

Directs the Department of Transportation (the Department) to conduct an evaluation with the Fredericksburg Area Metropolitan Planning Organization of traffic congestion on the Interstate 95 corridor in the George Washington Regional Commission region to determine the feasibility of extending the HOT lanes south on Interstate 95. The bill also directs the Department to report on the evaluation by the first day of the 2019 Regular Session of the General Assembly.

HB 1069 Tolls; toll collection procedures, fees, etc.

Chief patron: Jones

The bill prohibits tolling any highway, bridge, or tunnel without approval of the General Assembly except in limited circumstances. The bill requires the Department of Transportation to allow E-ZPass account holders to provide an email or phone number and to electronically notify account holders of a toll violation and further requires toll operators to notify the Department of such toll violations. The bill amends the definition of high-occupancy toll (HOT) lanes to ensure that mass transit vehicles and commuter buses meet the high-occupancy requirement. The bill lengthens from 30 to 60 days the period following notification of an unpaid toll on HOT lanes after which, if the toll is still unpaid, the owner or operator of the vehicle is in violation. The bill decreases the civil penalties for an unpaid toll violation on the HOT lanes, making them equal to civil penalties for other toll violations, and allows the HOT lanes operator to offer reduced civil penalties if the owner of the vehicle pays within 14 days prior to the hearing date, which is also permitted for other toll operators. For violations on any toll road, the bill provides that for a first court appearance there are reduced civil penalties and places a cap of \$2,200 on civil penalties and administrative fees. Finally, the bill provides for a 10-day grace period for unpaid tolls

and requires toll operators to attempt to process and collect unpaid tolls twice during such period.

HB 1122/SB 46 Commonwealth Space Flight Fund; transfer of funds.

Chief patron: Bloxom/Carrico

Extends through fiscal year 2023-2024 the annual transfer from the Transportation Trust Fund to the Commonwealth Space Flight Fund and increases the transfer from \$9.5 to \$15.8 million to reflect the amount in the appropriation act. Under current law, the transfer would cease in fiscal year 2016-2017.

HB 1152/SB 182 Local gas road improvement & Virginia Coalfield Economic Development Authority tax; use of revenues.

Chief patron: Chafin/Morefield

Authorizes localities that comprise the Virginia Coalfield Economic Development Authority to use a portion of the revenues collected from the local gas road improvement and Virginia Coalfield Economic Development Authority tax for the repair or enhancement of existing water or sewer systems and lines.

Transportation Policy

HB 10/SB 25 Motorcycles; general illumination lights.

Chief patron: Cole/Reeves

Increases from four to five the maximum number of lights allowed on a motorcycle and used for general illumination ahead of the motorcycle. Current law restricts all motor vehicles to no more than four lights, including headlights, fog lights, etc., to provide general illumination ahead of the vehicle.

HB 117/SB 719 Boats or other watercraft; excess width permits for transporting vehicles.

Chief patron: Knight/DeSteph

Authorizes the Commissioner of the Department of Motor Vehicles to issue permits for vehicles transporting boats or other watercraft that exceed an outside width of 102 inches but do not exceed an outside width of 108 inches; under current law, no such vehicle shall exceed an outside width of 102 inches.

HB 181/SB 277 Northern Virginia Transportation Commission; increases membership.

Chief patron: Menchew/Wexton

Increases the number of nonlegislative citizen members of the Northern Virginia Transportation Commission from 13 to 14 by increasing from one to two the members who represent Loudoun County.

HB 190/SB 413 Northern Va. Transportation Authority; use of population estimates in connection with decisions.

Chief patron: Bulova/Barker

Provides that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia and provides that the population estimates shall be adjusted once the estimates are available for July 1 of the fifth year after the decennial census. Under current law, the population estimates are adjusted on July 1 of the fifth year, which requires use of the previous year's data.

HB 213 Motor vehicle safety inspection; exceptions to inspection requirement.

Chief patron: LeMunyon

Exempts from the motor vehicle safety inspection requirement vehicles that are parked on a public highway and have been submitted for inspection to an official inspection station. The bill contains technical amendments.

HB 267 Length of vehicle combinations; clarification of provision limiting vehicles coupled with another.

Chief patron: Marshall, D.W.

Clarifies that the provision limiting vehicles coupled with another vehicle to a maximum combined length of 65 feet applies to motor homes and buses. The bill is declarative of existing law.

HB 329/SB 299 Amber lights, flashing; allows publicly owner or operated transit buses to use.

Chief patron: Villanueva

Allows publicly owned or operated transit buses to use flashing amber lights.

HB 374/SB 91 Registration of vehicles owned or used by emergency medical services agencies.

Chief patron: Yancey/Marsden

Requires, upon application, the issuance of permanent license plates for emergency medical services vehicles owned by or under the exclusive control of a commercial or privately owned emergency medical services agency.

HB 384 Commonwealth Transportation Board; meeting.

Chief patron: Marshall, R.G.

Requires the Commonwealth Transportation Board to hold at least one hearing on projects that are located wholly within a single highway construction district and valued in excess of \$25 million in the highway construction district where the project being considered is located prior to a vote on the project.

HB 388 Uninsured motor vehicle fee payment plan; DMV to establish.

Chief patron: Habeeb

Allows the Department of Motor Vehicles to establish an uninsured motor vehicle fee payment plan to allow individuals to pay the \$500 uninsured motor vehicle fee through an installment plan with the Department, when their driver's license and vehicle registration have been suspended as a result of failure to pay the uninsured motor vehicle fee. The bill has a delayed effective date of January 1, 2017.

HB 407 Interstate 66; designation of HOV lanes.

Chief patron: Bulova

Designation of HOV lanes. Prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation prior to January 1, 2020. The bill contains a delayed effective date of 7/1/17.

HB 417 DMV; contracts with state or federal agencies to conduct customer service transactions.

Chief patron: Bagby

Allows the Department of Motor Vehicles (DMV) to enter into contracts with contractors of state or federal agencies to conduct customer service transactions on behalf of such agencies for the benefit of Virginia residents. The bill allows DMV to receive a portion of the transaction fee required by the responsible agency or contractor to defray DMV's costs, provides a \$1 discount for specified DMV licensing transactions conducted online, and

ensures that DMV does not charge fees to federal, state, and local government agencies for information they request provided that such agencies do not charge the Commonwealth when it requests the same or similar information from those agencies. Finally, the bill provides for a driver's license classification for passenger cars and eliminates the requirement that individuals under the age of 21 who have one or more specified convictions retake the written driver's license examination. The bill contains technical amendments.

HB 454/SB 286 Motor vehicles; vehicles not to be equipped with televisions and video within view of driver.

Chief patron: Davis/DeSteph

Provides that motor vehicles may be equipped with visual displays of moving images if the equipment is factory-installed and has an interlock device that disables the equipment when the motor vehicle operator is performing a "driving task," which is defined by the bill. Current law allows equipment with a visual display of a television broadcast or signal if the equipment's interlock disables when the motor vehicle is driven. The bill would allow the viewing of a visual display while the vehicle is being operated autonomously. The bill also provides that vehicles used by universities for vehicle technology research are not required to have government plates.

HB 501/SB 465 Request for Proposal; design-build transportation projects.

Chief patron: Villanueva/Carrico

Request for Proposal of design-build projects. Allows for the submission and consideration of alternative technical concepts, defined in the bill, during the Request for Proposal process of a design-build transportation project.

HB 719 Commonwealth Transportation Board; value of statewide prioritization factors.

Chief patron: LeMunyon

Commonwealth Transportation Board; value of statewide prioritization factors. Requires the Commonwealth Transportation Board to make public the criteria used to determine the value of each factor used in the statewide prioritization process for project selection no later than 30 days prior to a vote on such project or strategy.

HB 728 State and local transportation planning; results of reviews related to homeland security.

Chief patron: LeMunyon

Requires that the results of Department of Transportation reviews of proposed local comprehensive plan amendments for issues related to homeland security be provided concurrently to the submitting locality and the Northern Virginia Transportation Authority.

HB 747 Service facilities; manufacturer of engines for certain trucks to own a facility.

Chief patron: Greason

Allows a manufacturer of engines for trucks having a gross vehicle weight rating of more than 7,500 pounds to own, operate, or control up to five service facilities in the Commonwealth.

HB 748 Driver education; certification of online courses.

Chief patron: Greason

Allows driver training schools to provide computer-based driver education courses for the classroom portion of driver education. The Commissioner of the Department of Motor Vehicles is authorized to license such driver training schools as computer-based driver education providers.

HB 1111/SB 476 Hampton Roads Transportation Accountability Commission; distribution of moneys.

Chief patron: Villanueva/Wagner

Allows an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill allows a chief elected officer to designate a current elected officer of the same governing body to serve in his place on the Hampton Roads Transportation Accountability Commission for one meeting if 48-hour notice is provided to the Chairman. The bill also ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Hampton Roads Transportation Accountability Commission and allows the Commission to invest moneys in excess of those required to meet current needs in the same manner as other transportation moneys are invested. The bill clarifies that when investments are made in accordance with the restrictions placed on the investment of transportation moneys that those investing are exempt from personal liability. The bill also allows the Hampton Roads Transportation Accountability Commission to spend Hampton Roads Transportation Fund moneys on

administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013.

HB 1122/SB 46 Commonwealth Space Flight Fund; transfer of funds.

Chief patron: Bloxom/Carrico

Extends through fiscal year 2023-2024 the annual transfer from the Transportation Trust Fund to the Commonwealth Space Flight Fund and increases the transfer from \$9.5 to \$15.8 million to reflect the amount in the appropriation act. Under current law, the transfer would cease in fiscal year 2016-2017.

HB 1237 Richmond Metropolitan Transportation Authority; powers.

Chief patron: Loupassi

Authorizes the Richmond Metropolitan Transportation Authority (RMTA) to construct, own, and operate coliseums and arenas, including facilities reasonably related to such coliseums and arenas, provided that the governing authorities of the localities that make up the RMTA approve.

HB 1383 Highways, Commissioner of; annual report to be made public.

Chief patron: Keam

Requires the Commissioner of Highways to make his annual report public on the Department of Transportation's website. Currently such report is only provided to the Governor, the General Assembly, the Joint Legislative Audit and Review Commission, and the Commonwealth Transportation Board. The bill requires such report to include traffic modeling results for all federally funded projects requiring a multi-alternative National Environmental Policy Act analysis.

SB 109 Eminent domain proceedings; commissioners to be summoned at least 30 days prior to service.

Chief patron: Petersen

Requires commissioners in eminent domain proceedings to be summoned at least 30 days prior to service. Under current law, such summons is required at least one week prior to service.

SB 117 Motor vehicle doors; operator to wait for a reasonable opportunity to open.

Chief patron: Petersen

Requires drivers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. A violation constitutes a traffic infraction punishable by a fine of not more than \$50.

SB 120 Passing stopped school buses; mailing of summons, rebutting presumption.

Chief patron: Carrico

Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. Also provides a means by which the existing presumption that the registered owner of the vehicle was the vehicle operator at the time of the violation can be rebutted and requires that this information be included with the mailing of the summons. Gives the summoned person 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation. Incorporates SB 16 and SB 74.

SB 240 Virginia Tort Claims Act; electronic filing when notice filed with VDOT.

Chief patron: Edwards

Allows for the electronic filing of tort claims when a filing is made with the Department of Transportation.

SB 515 Mobile food vending; allows units in commuter lots in Planning District 8.

Chief patron: McPike

Allows mobile food vending units to apply for a permit and pay a fee to the Department of Transportation that would allow them to sell food in commuter lots in Planning District 8. The bill also requires the Department to establish criteria for the program, publish the permit application on its website, and establish a fee for the permit.

Unfunded Mandates

HB 197 Commonwealth Mental Health First Aid Program; established.

Chief patron: Lingamfelter

Directs the Commissioner of the Department of Behavioral Health and Developmental Services to establish and maintain the Commonwealth Mental Health First Aid Program to provide training by certified trainers of individuals residing or working in the Commonwealth on how to identify and assist individuals who have or may be developing a mental health or substance use disorder or who may be experiencing a mental health or substance abuse crisis.

HB 428 Prisoner's spouse or children; support payments by county or city.

Chief patron: Hope

Designates the Department of Social Services as the entity to which a county or city within the boundaries of which a prisoner is put to work on a workhouse, city farm, or work squad shall pay funds for the support of the prisoner's spouse or children. The bill increases the minimum amount that the county or city shall pay from \$5 to \$20 and increases the maximum amount that the county or city shall pay from \$25 to \$40 for each week in the discretion of the court during any part of which any work is performed by the prisoner.

HB 476 Animal intake policy; animal control officers, etc., shall annually file with State Veterinarian.

Chief patron: Fariss

Requires animal control officers, law-enforcement officers, humane investigators, animal shelters, humane societies, and releasing agencies to submit a copy of their intake policy to the State Veterinarian.

HB 515 Higher educational institutions; institutional 6-year plan, economic development, report.

Chief patron: Landes

Requires each public institution of higher education to include in its institutional six-year plan a report of the institution's active contributions to efforts to stimulate the economic development of the Commonwealth, the area in which the institution is located, and, for those institutions subject to a management agreement, the areas that lag the Commonwealth in terms of income, employment, and other factors.

HB 578/SB 169 Virginia Public Procurement Act; architectural and engineering services.

Chief patron: Albo/Ruff

Provides that in the case of the selection process for a Request for Proposal for architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or applicable capital outlay standards, until after the qualified offerors are ranked.

HB 954 Concussions; school division policy to include Return to Learn Protocol.

Chief patron: Keam

Requires each local school division's policies and procedures regarding the identification and handling of suspected concussions in student-athletes to include a "Return to Learn Protocol" that requires school personnel to be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization, and long-term and short-term memory, (ii) sensitivity to bright lights and sounds, and (iii) short-term problems with speech and language, reasoning, planning, and problem solving, and to accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom. The bill also broadens the scope of the "Return to Learn Protocol" in the Board of Education's guidelines for school division policies and procedures on concussions in student-athletes to require school personnel to (a) be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury and (b) accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury. Under current law, the "Return to Learn Protocol" only imposes such requirements on school personnel with respect to student-athletes.

HB 1170 Real property tax; members of board of equalization.

Chief patron: Fowler

Changes the maximum number of members of a board of equalization from five to the greater of five or the number of election districts in the locality.

HB 1211/SB 651 Animal control officers; training.

Chief patron: Leftwich/Cosgrove

Requires animal control officers hired on or after July 1, 2017, to complete a basic animal control course within one year after the date of hire, or within two years of the date of hire if the officer is attending a law-enforcement academy. Current law requires completion of such training course within two years after the date of hire.

HB 1299/SB 229 U. S. of America and the Commonwealth of Virginia; purchase of flags by public bodies.

Chief patron: Edmunds/McEachin

Provides that whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag must be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States, if available. The bill has a delayed effective date of July 1, 2017.

SB 87 Circuit court clerks; disaster plan for recovery of any land record maintained electronically.

Chief patron: Garrett

Requires circuit court clerks to maintain a disaster plan for recovery of any land record in possession of the clerk that is maintained as an electronic record. The bill has a delayed effective date of July 1, 2017.

SB 89 Electoral boards, local; minutes required to be posted on website.

Chief patron: Marsden

Requires the posting of minutes of the local electoral boards' meetings on the local electoral board's website or the official website of the county or city when such means are available. Minutes of meetings are required to be posted as soon as possible but no later than one week prior to the following meeting of the electoral board.

SB 607 Public employees; safety and health program.

Chief patron: Dance

Directs the Commissioner of Labor and Industry or the Safety and Health Codes Board to adopt regulations for enforcing the occupational and health program applicable to employees of the Commonwealth, its agencies, institutions, political subdivisions, or any public body. The measure provides that these regulations and procedures for enforcing the

program shall include provisions for the issuance of proposed penalties, the payment of such penalties or a negotiated sum in lieu of such penalties, and the deposit of such payments into the general fund of the state treasury.

Other Issues

HB 514 Governor's Agriculture and Forestry Industries Development Fund; wild fish and shellfish.

Chief patron: Landes

Clarifies that commercially harvested wild fish and commercially harvested wild shellfish are included within the definition of "agricultural products." The Governor's Agriculture and Forestry Industries Development Fund provides grants or loans to expand the processing of Virginia-grown agriculture and forestry products.

HB 834/SB 449 Virginia Growth and Opportunity Board and Fund; established, report.

Chief patron: Cox/Norment

Establishes the Virginia Growth and Opportunity Board to administer grants from the Virginia Growth and Opportunity Fund for regional economic and workforce development projects. The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their region that enhance private-sector growth, competitiveness, and workforce development. A portion of the grant funds will be awarded on a population basis and a portion on a competitive basis.