

LEGISLATIVE SUMMARY

2015



Virginia Association of Counties



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Vital Statistics from the 2015 Session

| | Introduced | Passed Both | Failed | Vetoed |
|---------------------------------|------------|----------------|--------|--------|
| House Bills | 1,126 | 456 | 797 | 7 |
| House Joint Resolutions | 473 | 386 | 95 | 0 |
| House Resolutions | 133 | 129 | 4 | 0 |
| Senate Bills | 793 | 344 | 526 | 7 |
| Senate Joint Resolutions | 170 | 118 | 73 | 0 |
| Senate Resolutions | 81 | 80 | 1 | 0 |
| General Assembly Totals | 2,776 | 1,513 | 1,497 | 14 |

2015 Legislative Priorities

ECONOMIC DEVELOPMENT AND PLANNING

Land Use/Growth Management Tools

VACo supports maintaining local authority to plan and regulate land use and opposes any legislation that weakens these key local responsibilities. VACo supports legislation that grants localities additional tools to adequately meet increasing needs for public services driven by new development without burdening current residents with the cost of new growth through increased real estate taxes.

Workforce Development

VACo supports state efforts to fund, encourage and facilitate local and regional efforts to convene and facilitate cooperation between the business community and other numerous stakeholders involved in Virginia's workforce investment system. VACo supports applying credit recognition and state incentives for both certification, training or qualified credentialing and credit course hours.

EDUCATION

Education Funding

VACo urges the General Assembly to provide full state funding for public education including the Standards of Quality (SOQ) as recommended by the Board of Education, targeted incentive programs, capital and maintenance support and teacher salaries. Full state funding should be achieved without reduction to other parts of state public education budgets or to other core services. The state must recognize that in FY 2013 local school divisions spent \$3.55 billion above required local effort.

VACo supports the current practice whereby all year-end funds appropriated to the school divisions by the locality revert to the locality, retaining discretion with the governing body to evaluate and approve the reallocation of year-end fund balances.

ENVIRONMENT AND AGRICULTURE

Water Quality Improvement Funding

VACo supports effective partnerships among and across all levels of government to improve water quality. VACo supports the goal of improved water quality, but will oppose provisions of any strategy that penalizes local governments by withdrawing current forms of financial assistance or imposing monitoring, management or similar requirements on localities without providing sufficient resources to accomplish those processes. VACo opposes the imposition of a state fee, tax or surcharge on water, sewer, solid waste or any service provided by a local government or authority.

FINANCE

Local Finances

VACo supports the authority of county governments to levy and collect revenue from local business taxes. VACo requests county government representation on all study or legislative commissions that impact local government revenues or services. VACo opposes mandated new or expanded funding requirements on counties.

GENERAL GOVERNMENT

Broadband

VACo urges the Commonwealth and the Federal Government to assist communities in their efforts to deploy universal affordable access to broadband for all areas, particularly in underserved and rural areas while preserving local land use, permitting, fees and other local authority.

Ethics Reform

VACo supports common sense efforts to strengthen Virginia's public ethics and conflicts of interest laws. VACo also supports efforts to make sure current and future changes to these laws are applicable and practical at the local level.

HEALTH AND HUMAN RESOURCES

Health and Human Resources Funding

VACo supports transparent state policies and funding to ensure the Commonwealth's at-risk families have access to high quality and appropriate services. The Commonwealth should fully fund localities for state mandated human services and provide the necessary program flexibility to enable localities to provide comprehensive and case-tailored services.

TRANSPORTATION

Devolution of Secondary Roads

VACo opposes legislative or administrative initiatives that transfer to counties the responsibility for the construction, maintenance or operation of new and existing roads.

Local-State Transportation Funding and Cooperation

VACo remains concerned about the lack of secondary and urban construction funding. Due to legislative changes in 2012, the Commonwealth Transportation Board (CTB) has the authority to allocate up to \$500 million to priority projects before funds are provided to the construction fund. It is imperative that each region receive its share of this funding. Secondary and urban road programs are not expected to receive new funds until FY 2017.

FY 2014-2016 State Budget Analysis

Key Electronic Links

Locality specific funding can be found at the sites below.

[K-12 Public Education](#)

[Constitutional Officers](#)

[Police Departments \(HB 599\)](#)

[TAX](#) (FY 2016) estimates for the local distributions of the Local Option Sales and Use Tax and the State Recordation and Grantor's taxes are unavailable at this time

FY 2014 – 2016 state budget

The General Assembly completed their work a day ahead of schedule, adjourning sine die on Friday, February 27. County governments fared well in the final outcome.

The [Enrolled Budget](#) altered the Governor's introduced budget to reflect many of VACo's high priority budget requests. These requests were highlighted by the elimination of the "local aid to the state" reversion (\$30 million) in the introduced budget. Also, the 2015 Assembly finished their work by adopting a bipartisan modification of the State and Local Government Conflict of Interests Act ([HB 2070/SB 1424](#)).

Revenues

The 2014-16 general fund budget has recently improved since revenues began to deteriorate last May. The enrolled budget adopted by the General Assembly on February 26 has \$532 million more General Fund resources than the Governor's December 2014 introduced budget.

General fund revenue growth was increased from 3.1 percent to 4.7 percent in FY 2015 and from 3.1 percent to 3.3 percent in FY 2016, as a result of improving individual income tax withholding and corporate income revenues. The General Assembly's enrolled budget increased the general fund revenue forecast further when compared to the final February 16 administration forecast by adding \$46 million in additional individual income tax revenues.

The increased general fund revenue growth is forecast even though several tax policy changes proposed by the Governor were not accepted by the General Assembly. The rejected tax policy changes reduced revenues available for appropriation by \$31 million. In addition, by not accepting the use of full retail market value for the computation of online travel company transient occupancy sales, local sales and use taxes and transient occupancy taxes will also continue to be reduced.

| Proposed Tax Policy Changes | Introduced Budget | Adopted Budget |
|---|--------------------------|-----------------------|
| Limit Coal Employment/Production Credit | \$5.2 | \$0.0 |
| Limit Employment Tax Credit | \$14.7 | \$0.0 |
| Reduce Long-term Care Deduction | \$9.4 | \$0.0 |
| Online Travel Companies Sales Tax | \$1.7 | \$0.0 |
| Limit Land Preservation Tax Credit | \$22.4 | \$22.4 |
| Reduce Accelerated Sales Tax Threshold | \$57.8 | \$57.8 |
| Combine 3 Sales Tax Holidays | \$2.6 | \$2.6 |
| Repeal Sale of Open Space Land | \$0.5 | \$0.5 |
| Total Tax Policy Changes | \$114.3 | \$83.3 |
| Difference | | -\$31.0 |

The primary uses for the additional \$532 million in expected general fund resources compared to the introduced budget are as follows:

- \$129.5 million for an advance deposit to the Rainy Day Fund. This amount is still approximately \$88 million less than what will be required for the FY 2017 deposit, based on FY 2015 revenue growth.
- \$141 million in GF cash for maintenance reserve and capital projects.
- \$114 million for an across-the-board 2 percent pay increase for state employees and increase in VRS contributions.
- \$53 million for a 1.5 percent K-12 teacher and support employee pay increase.
- \$42 million for additional faculty salary and higher education support.
- Elimination of the \$29.8 million reduction in aid to localities for FY 2016.

For local governments, the two most significant changes from the introduced budget were the \$53 million, 1.5 percent teacher/support personnel salary increase, and the elimination of the \$29.8 million requirement in FY 2016 to pay back state aid. The \$30 million payback requirement in FY 2015 however, is still in force.

Other K-12 public education budget changes in FY 2016 include: an \$8.9 million increase in sales tax revenues due to a sales tax forecast increase; \$4.75 million for the extended school year program; \$1 million for a Kindergarten Readiness Program; and \$0.5 million for urban school teacher readiness. The Virginia Pre-school Initiative Program (VPI) was reduced by \$2.9 million as a result of lowering funded slots by 1,067 due to a reduced kindergarten student count.

There were also a number of other amendments of note for local governments. This included the \$2.5 million full restoration of statutory jail per diem payments for FY 2015. FY 2016 jail rates are still underfunded. The Housing Trust Fund was provided \$8 million. About \$5 million in additional General Fund cash was provided for stormwater grants. Around \$650,000 was restored to the Virginia Enterprise Zone Program.

In the introduced budget, the Governor proposed transferring \$250 million in unclaimed stock to the Literary Fund for teacher retirement and school construction purposes. The General Assembly increased the stock sale amount to \$275 million.

The enrolled budget also modified the Governor's original plan for using these revenues by increasing the proposed \$150 million lump payment to the VRS Teacher Retirement program to \$193 million. This deposit will reduce the unfunded teacher retirement liability and both state and local retirement contribution rates by 0.46 percent.

The reduced rate will save the state \$15.7 million GF and local governments about \$30 million in FY 2016 and beyond. Combining remaining stock sales revenues with other Literary Fund revenues from fines, fees and unclaimed property, the General Assembly provides in the 2014-16 budget about \$53 million for new school construction loans and saves about \$84 million in general fund revenues for state teacher retirement contributions.

Bottom Line

Additional general fund revenues of \$532 million since the budget was introduced in December have allowed the General Assembly to restore some of the most onerous cuts to the budget - including the \$30 million FY 2016 local government payments - and provide some much needed and delayed salary increases.

However, the still nearly \$1.5 billion budget shortfall from a year ago is a reminder that many of the deep spending cuts to programs dear to both state and local governments are still in place. In addition, the \$705 million in rainy day fund reserves that softened the blow of reduced revenues leaves the state with little margin for error going forward.

Summary of Legislation Affecting Counties

Unless otherwise stated, all legislation goes into effect on July 1, 2014.

*Uncodified Act – A bill that may be of short duration that is not given a regular number in the Code of Virginia but is published in the Acts of the Assembly; it can include the budget bill, local government charters or bills of local application only.

**The final outcome of these bills were not determined at press time.

Economic Development and Planning

PASSED LEGISLATION

HB 1446/SB 801 Clean energy; financing programs

Amends § 15.2-958.3 to expand the requirements of a local ordinance authorizing contracts to provide loans for clean energy improvements. The bill adds water efficiency improvements to the list of improvements for which loans may be offered; allows a locality to contract with a third party to administer the loan program; and requires a locality to identify any administrative fee it intends to impose on participants and sets parameters for the imposition of that fee. Patrons: D.W. Marshall and Watkins

HB 1523 Workforce Development, Virginia Board of; qualification for services related to WIA

Amends § 2.2-2472 to provide that for the purposes of implementing the Workforce Investment Act (WIA), income from service in the Virginia National Guard shall not disqualify unemployed service members from WIA-related services. Patron: Byron

HB 1756 Tourism zones; tax revenues for tourism projects

Amends § 58.1-3851.1 to decrease from 80 percent to 70 percent the share of the total cost of a tourism project that the project must have in place before being eligible to receive a percentage of the state and local sales and use tax revenues generated on the premises of the project. Patron: James

****HB 1842 Performance and incentive grants; review of incentive packages, report, repeals certain provisions**

Amends §§ 2.2-206.2, 2.2-1111, 2.2-5101, and other sections; and repeals §§ 59.1-284.13 through 59.1-284.15:1 and 59.1-284.25, 59.1-284.26, and 59.1-284.27 to make policy changes to the Virginia Investment Performance Grants and the Major Eligible Employer Grant Program. The bill also repeals the Clean Energy Manufacturing Incentive Grant Program and the semiconductor performance grant programs. Patron: James

HB 1898 Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program; created

Adds § 59.1-284.28 to create the Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program (Program). Patron: Cox

HB 1986/SB 1372 Workforce Development, Virginia Board of; changes to Board requirements

Amends §§ 2.2-435.7, 2.2-435.8, 2.2-2238.1, and other sections; and adds §§ 2.2-435.9 and 2.2-435.10 and to make several changes to the Virginia Board of Workforce Development (the Board). Each local workforce development board shall develop and execute a strategic plan designed to combine public and private resources to support sector strategies,

career pathways, and career readiness skills development. This bill also sets the minimum level of fiscal support from WIOA Adult and Dislocated Worker funds and provides incentives. Patrons: Byron and Ruff

[HB 2330/SB 1440](#) Tobacco Region Revitalization Commission

Amends §§ 3.2-3100 through 3.2-3104, 3.2-3108, 3.2-3111, and 62.1-203l and adds §§ 3.2-3112 through 3.2-3121 to rename the Tobacco Indemnification and Community Revitalization Commission as the Tobacco Region Revitalization Commission (the Commission) and requires it to contract with a manager to oversee Commission loans, grants, and other distributions of money. The bill changes composition of Commission members, requires a dollar-for-dollar match from entities receiving grants and other new requirements. The bill establishes a revolving loan to be used to make loans to local governments. Patrons: Kilgore and Ruff

[SB 809](#) Virginia Economic Development Authority; site and building assessment program

Amends § 2.2-2238 of the Code of Virginia to authorize the Virginia Economic Development Partnership Authority to develop a site and building assessment program to assess the state's industrial sites consisting of at least 250 acres. Patron: Stanley

[SB 1002](#) Local workforce investment boards; pay-for-performance contract strategy incentives

Amends §§ 2.2-2470 and 2.2-2472 to encourage local workforce investment boards to implement pay-for-performance contract strategy incentives for training services as an alternative model to traditional programs. Patron: Ebbin

[SB 1007](#) Port of Virginia Economic & Infrastructure Development Grant Fund & Program; grants

Amends § 62.1-132.3:2 to allow a qualified company to receive a second grant from the

Port of Virginia Economic and Infrastructure Development Grant Fund. Patron: Watkins

[SB 1401](#) Tourism project of regional significance; entitlement to tax revenues

Amends § 58.1-3851.1; and adds § 58.1-3851.2 to entitle a tourism project of regional significance to the revenues generated by a 1.5 percent state sales and use tax on transactions taking place on its premises, to be used for debt service on gap financing for the project. The private developer and the locality in which the project is located must each contribute funds equal to the 1.5 percent sales and use tax contribution. Patron: Norment

Local Planning, Zoning and Housing

[HB 1642/SB 775](#) Virginia Residential Property Disclosure Act; representations related to special flood hazard areas

Amends § 55-519 to require the owner's representation to a prospective purchaser of residential property under the Virginia Residential Property Disclosure Act that the owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary. Patrons: Stolle and Locke

[HB 1849](#) Zoning appeals, board of; granting of variance, ex parte communications, proceedings

Amends §§ 15.2-2201, 15.2-2308, 15.2-2309, and 15.2-2314; and adds § 15.2-2308.1 to the Code of Virginia to change the standard by which a board of zoning appeals shall grant an application for a variance by eliminating or altering several of the requirements. Patron: Marshall, D.W.

[SB 1257](#) Cash proffer for residential construction; removes sunset date

Amends § 15.2-2303.1:1 and repeals the second enactment of Chapter 193 of the Acts of Assembly of 2009 to remove the July 1, 2017, expiration date of a current law that delays the payment of certain per-dwelling-unit cash

proffers until after the final inspection of the subject property and prior to the issuance of any certificate of occupancy. Patron: Smith

SB 1272 Alcoholic beverage control; limited distillers' licenses

Amends §§ 4.1-206, 4.1-231, and 4.1-233; and adds § 15.2-2288.3:2 to create a limited distiller's license for distilleries on land zoned agricultural. The bill also establishes local and state taxes for limited distiller's licenses and prevents local regulation of certain activities by such licensees. Patron: Deeds

SB 1355 Local planning commission; action on proposed plat

Amends § 15.2-2259 to apply certain provisions, including a 60-day time limit, to the process of approval by any local planning commission of a plat or site plan that solely involves commercial real estate. Currently, the provisions apply only to planning commissions in localities with a population greater than 90,000 based on the 2000 United States Census. Patron: Reeves

SB 1435 Eminent domain; lost profits and just compensation

Amends §§ 25.1-100 and 25.1-230.1 to require that any and all liability for lost profits claimed in an action for compensation pursuant to a taking under eminent domain be set forth specifically in the award for just compensation and that in a partial acquisition, in the event that the owner of the property being condemned and the owner of the business or farm operation claiming lost profits are the same, then any enhancement shall be offset against both damage to the residue and lost profits. Patron: Deeds

SB 1443 Comprehensive plan; strategies to combat projected sea-level rise

Adds § 15.2-2223.3 to provide that any locality included in the Hampton Roads Planning District Commission shall incorporate into the next scheduled and all subsequent reviews of its comprehensive plan strategies to combat

projected relative sea-level rise and recurrent flooding. Patron: Miller

SB 1448 Community development authorities; tax levied or assessment imposed by locality

Amends § 15.2-5158 to provide that any special tax levied or any special assessment imposed by a locality pursuant to an agreement with a community development authority constitutes a lien on real estate ranking on parity with real estate taxes, and any such delinquent special tax or delinquent special assessment may be collected in accordance with established procedures. The bill contains an emergency clause. Patron: Vogel

Sanitation and Water

HB 1424/SB 868 Virginia Water and Waste Authorities Act; delinquent payment

Repeals § 15.2-5124 to remove a provision of the Virginia Water and Waste Authorities Act that limits a landlord's liability for a tenant's separately metered sewer or water charges to three delinquent billing periods of no more than 90 days in total. Patrons: D.W Marshall and Chafin

HB 1804 Onsite sewage systems; validity of certain septic tank permits

Amends § 32.1-164.1:1 to provide that an owner of real property who (i) obtained a waiver to repair a failing onsite sewage system on or between July 1, 2004, and December 6, 2011, (ii) completed such repair, and (iii) voluntarily upgrades the system may request, and shall receive, a voluntary upgrade waiver. Patron: Knight

Miscellaneous

HB 2094 Building Code; limitation of prosecution for violations

Amends § 19.2-8 to provide that prosecutions for Uniform Statewide Building Code violations relating to the maintenance of existing buildings or structures shall commence within

one year of the issuance of a notice of violation for the offense by the building official. Patron: Peace

[HB 2283](#) Virginia-recognized Indian tribes; enforcement of Uniform Statewide Building Code

An uncodified act to authorize a state-recognized Indian tribe to be responsible for the enforcement of the Uniform Statewide Building Code (USBC) on any Indian reservation recognized by the Commonwealth if the Indian tribe has met certain requirements. Patron: Hodges

[HB 2351](#) Land subdivision and development; approval not to be conditioned on consent of easement holder

Provided that no locality shall condition the approval of a subdivision plan, site plan, plat, or construction plan, or condition the issuance of any required occupancy permit for occupancy of such property or the structures thereon, upon the consent or permission of any person or entity holding an easement over, under, or through the property that is the subject of such plan or plat. Patron: Leftwich

DEFEATED LEGISLATION

[HB 1708/SB 1384](#) Certain industrial uses; transmission lines

Both bills placed requirements for local zoning ordinances related to data centers and electrical transmission lines. Patrons: R.G. Marshall and Black.

[HB 2262](#) Planning commissions, local; notice to applicants of preapproval requirements

Required that upon request of the applicant, the local planning commission shall designate an officer or employee who advise and provide a list of requirements that shall be deemed a preliminary approval of the plan pending fulfillment of any preapproval requirements. Patron: Morris

[HB 2327](#) Offsite improvements or land dedications; regulation of development by localities

Provided that localities shall not require a landowner to make offsite improvements or make dedications of land as a condition of use of an existing parcel when such use is a permitted use pursuant to the zoning ordinance and when existing public facilities are available to such parcel. Patron: Leftwich

Education

PASSED LEGISLATION

[HB 324](#) Virginia Virtual School; established, report, effective date

Amends §§ 2.2-208, 2.2-2101 and other sections of the Code of Virginia to establish the Board of the Virginia Virtual School as a policy agency in the executive branch of state government for the purpose of governing the full-time virtual school programs offered to students enrolled in the Virginia Virtual School. The Secretary of Education is responsible for such agency. The 13-member Board is given operational control of the School and assigned powers and duties. The bill requires the School to be open to any school-age person in the Commonwealth and provide an educational program meeting the Standards of Quality for grades kindergarten through 12. The bill requires the average state share of Standards of Quality per pupil funding for each enrolled student to be transferred to the School. The bill has a delayed effective date of July 1, 2016, and will only become effective if reenacted by the 2016 Session of the General Assembly. Patron: Richard P. Bell

[HB 1303/SB 900](#) Local school boards; administration of Standards of Learning assessments

Amends § 22.1-253.13:3 of the Code of Virginia to require the Department of Education to make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later. Patrons: Farrell and Barker

[HB 1307/SB 1293](#) Public elementary and secondary schools; student identification numbers

Amends § 22.1-260 and adds § 22.1-287.02 to the Code of Virginia to prohibit the Department of Education (the Department) and each local school board from requiring any student

enrolled in a public elementary or secondary school or receiving home instruction, or his parent, to provide the student's federal social security number. The bill requires the Department to instead develop a system of unique student identification numbers and requires each local school board to assign such a number to each student enrolled in a public elementary or secondary school. The bill has a delayed effective date of August 1, 2015. Patrons: Landes and Martin

[HB 1334](#) Students' personally identifiable information; (DOE) to develop certain policies

Adds § 22.1-287.02 to the Code of Virginia to require the Department of Education to develop and make publicly available on its website policies to ensure state and local compliance with the federal Family Educational Rights and Privacy Act (FERPA) and state law applicable to students' personally identifiable information, including policies for (i) access to students' personally identifiable information and (ii) the approval of requests for student data from public and private entities and individuals for research. Patron: Landes

[HB 1338](#) Electronic textbooks; hardware

Amends § 22.1-90.1 of the Code of Virginia to require the Department of Education, for the purpose of including in the annual School Performance Report Card for school divisions the percentage of each school division's operating budget allocated to instructional costs, to allocate to instructional costs each school division's expenditures on the hardware necessary to support electronic textbooks. Patron: Farrell

[HB 1351/SB 916](#) Diploma seals; biliteracy

Amends § 22.1-253.13:4 of the Code of Virginia to require the Board of Education to establish, in time to apply to high school seniors graduating in 2016, criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language. Patrons: Ramadan and Wexton

[HB 1366](#) Sex offenders; prohibiting entry onto school or other property, hearing

Amends § 18.2-370.5 of the Code of Virginia to provide that a sex offender who is prohibited from entering upon school or child day center property who petitions the circuit court for permission to enter such property must cause notice of the time and place of the hearing on his petition to be published once a week for two successive weeks in a newspaper of general circulation. Patron: Campbell

[HB 1419](#) Standards of Learning; changes

Amends § 22.1-253.13:3 of the Code of Virginia to require the Department of Education to develop processes for informing school divisions of changes in the Standards of Learning. Patron: Head

[HB 1443/SB 782](#) Public schools; Board of Education regulations on use of seclusion and restraint

Adds § 22.1-279.1:1 to the Code of Virginia to require the Board of Education to adopt regulations on the use of seclusion and restraint in public elementary and secondary schools in the Commonwealth. The bill requires that such regulations be consistent with certain existing guidance documents. Patrons: Richard P. Bell and Favola

[HB 1484/SB 842](#) Schools; approval of annual budgets

Amends § 22.1-93 of the Code of Virginia to conform the county budget preparation and approval process to that of cities. Patrons: Tyler and Lucas

[HB 1490/SB 874](#) Standards of Learning; eligibility for retake of test, exception

An uncodified act to direct the Board of Education to promulgate regulations to provide the same criteria for eligibility for an expedited retake of any Standards of Learning test, with the exception of the writing Standards of Learning tests, to each student regardless of grade level or course. Patrons: Habeeb and Cosgrove

[HB 1612](#) School service providers; protection of student personal information

Adds § 22.1-289.01 to the Code of Virginia to require each entity that, pursuant to a contract with a local school division, operates a website, mobile application, or online service that (i) is designed and marketed solely for use in elementary or secondary schools, (ii) is used at the direction of teachers or other employees at elementary or secondary schools, and (iii) collects and maintains, uses, or shares information that identifies an individual student or is linked to information that identifies an individual student to maintain certain protections for such information, including transparency, privacy policies, information security programs, and access to an individual student's personal information by the student and his parents. Patron: Greason

[HB 1616](#) Career and technical education; alignment with national certification requirements

Amends § 22.1-227.01 of the Code of Virginia to require each sequence of courses constituting a career and technical education program to be aligned with national certification requirements, if any, unless such program is offered by industry in cooperation with a local school board. Patron: Greason

[HB 1672/SB 727](#) School Performance Report Card; redesign to be more effective in communicating to parents & public

An uncodified act to repeal Chapters 672 and 692 of the Acts of Assembly of 2013 and Chapters 480 and 485 of the Acts of Assembly of 2014 requiring the Board of Education, no later than July 1, 2016, to redesign the School Performance Report Card so that it is more effective in communicating to parents and the public the status and achievements of the public schools and local school divisions in the Commonwealth. The bill requires the Board to provide notice and solicit public comment and summarize the redesigned Report Card in advance of July 1, 2016. The bill also repeals the A-F school grading system created in the

2013 Session and amended in the 2014 Session.
Patrons: Greason and Black

[HB 1674](#) School accreditation; review of status by Board of Education

Amends §§ 22.1-253.13:3 and 22.1-253.13:9 of the Code of Virginia to provide that the Board of Education may review the accreditation status of a public school once every three years if the school has been fully accredited for three consecutive years. At the end of the three year period, the Board shall review the accreditation status of the school and may accredit the school for another three years if the school met accreditation requirements for all three years.
Patron: Greason

[HB 1676](#) Postsecondary credential, etc.; local school board agreements with community colleges

Amends § 22.1-253.13:1 of the Code of Virginia to permit each local school board to enter into agreements for postsecondary credential, certification, or license attainment with community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23 of the Code of Virginia that offer a career and technical education curriculum. The bill requires such agreements to specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses. Patron: Byron

[HB 1679](#) Students, hearing or visually impaired; information on services on school division website

Amends § 22.1-217.01 of the Code of Virginia to require each local school board to (i) annually post on the school division's website information describing the educational and other services available through the Virginia School for the Deaf and the Blind, the Department for the Deaf and Hard-of-Hearing,

and the Department for the Blind and Vision Impaired to students who are identified as hearing impaired or visually impaired, (ii) inform parents of its availability, and (iii) ensure that packets of such information are available in an accessible format for review by parents who do not have Internet access.
Patron: Richard P. Bell

[HB 1714](#) Standards of Learning; third grade through eighth grade assessments

Amends § 22.1-253.13:3 of the Code of Virginia to permit the Board of Education to require each student to take a Standards of Learning assessment in science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade 8. Patron: LeMunyon

[HB 1873/SB 1320](#) Public schools; Board of Education to promulgate regulations for accreditation ratings

An uncodified act to direct the Board of Education to promulgate regulations establishing additional accreditation ratings that recognize the progress of schools that do not meet accreditation benchmarks but have significantly improved their pass rates, are within specified ranges of benchmarks, or have demonstrated significant growth for the majority of their students and to implement such regulations by the 2016-2017 school year.
Patrons: Krupicka and Locke

[HB 1952](#) School buses; transfer and sell to another school division

Amends § 22.1-177 of the Code of Virginia to permit any local school board, notwithstanding any regulation to the contrary, to sell or transfer any of its school buses to another school division or purchase a used school bus from another school division or a school bus dealer as long as the school bus (i) conforms to the specifications relating to construction and design effective in the Commonwealth on the date of manufacture; (ii) has a valid Department of State Police inspection; and

(iii) has not reached the end of its useful life according to the school bus replacement schedule utilized by the Department of Education as required by the general appropriation act. Patron: Poindexter

[HB 2020](#) Licensed local school board instructional or administrative employees; service retirement allowance

An uncodified act to extend from July 1, 2015, to July 1, 2020, the sunset date for provisions (i) requiring school boards, division superintendents, if so requested, and the Superintendent of Public Instruction to annually identify and report critical shortages of teachers and administrative personnel and (ii) permitting any person receiving a service retirement allowance who is hired as a local school board instructional or administrative employee required to be licensed by the Board of Education to elect to continue to receive the retirement allowance during such employment under certain conditions. Patron: BaCote

[HB 2114](#) Competitive foods; school-sponsored fundraisers

Amends § 22.1-207.4 of the Code of Virginia to require the regulations setting nutritional guidelines for competitive foods to permit each public school to conduct on school grounds during regular school hours no more than 30 school-sponsored fundraisers per school year during which food that does not meet the nutritional guidelines for competitive foods may be sold to students. "Competitive food" is defined in current law as any food, excluding beverages, sold to students on school grounds during regular school hours that is not part of the school breakfast or school lunch program. Patron: Richard P. Bell

[HB 2137](#) Teachers; initial license with no industry certification credential, may issue provisional license

Amends § 22.1-298.1 of the Code of Virginia to permit the Board of Education, upon request of the employing school division or educational agency, to issue a provisional license to a teacher seeking an initial license

in the Commonwealth who has not attained an industry certification credential in the area in which the teacher seeks endorsement to allow time for the teacher to attain such required credential. Patron: Yancey

[HB 2169](#) Education, Board of; annual report on the condition & needs of public education in the Commonwealth

Amends § 22.1-18 of the Code of Virginia to change from November 15 to December 1 the date by which the Board of Education is required to submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and identify any school divisions and schools that have failed to meet the existing prescribed standards of quality. Patron: Hester

[HB 2245/SB 1339](#) School board clerks; electronic maintenance of records

Amends § 22.1-77 of the Code of Virginia to permit the clerk of each school board to keep volumes of meeting minutes and receipt and disbursement records, vouchers, contracts, and other official papers electronically. Patrons: Head and Smith

[HB 2276](#) Standard diploma; career and technical education credential, exemption

Amends § 22.1-253.13:4 of the Code of Virginia to permit a student to receive satisfactory competency-based instruction to satisfy the standard diploma requirements in lieu of achieving a career and technical education credential when such credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency. Patron: Orrock

[HB 2350](#) Student data security; Department of Education to develop a model data security plan

Adds § 22.1-20.2 to the Code of Virginia to direct the Department of Education (the Department), in collaboration with the Virginia Information Technologies Agency, to develop a model data security plan that may be used

by school divisions to implement policies and procedures related to the protection of student data and data systems. Patron: Austin

[HB 2373/SB 1354](#) Uniformed services-connected students; Department of Education shall establish process to identify

Adds § 22.1-287.02 to the Code of Virginia to require the Department of Education to establish a process for the identification by local school divisions of newly enrolled students who have a parent in the uniformed services. Local school divisions are required to identify such students in accordance with the process. Patrons: Ramadan and Reeves

[SB 821](#) Opportunity Educational Institution; repeals Institution

Amends §§ 2.2-2101, 22.1-7.1, 22.1-25, and 23-14; and repeals §§ 22.1-27.1 through 22.1-27.6 of the Code of Virginia to abolish the Opportunity Educational Institution. Patron: Miller

[SB 1021](#) Instructional school hours; instructional time

Amends § 22.1-98 of the Code of Virginia to authorize the Board of Education to grant a waiver to a school division that is unable to meet the required 990 instructional hours in a school year because of severe weather conditions or other emergency situations. Patron: Puller

[SB 1191](#) Firearm, stun weapon, or other weapon; possession on school property

Amends § 18.2-308.1 of the Code of Virginia to amend the statute that makes it a crime to possess a firearm, stun weapon, knife, or certain other weapons on school property to require that the person knowingly possess the firearm or other weapon. Patron: Norment

[SB 1286](#) Public schools; annual budget publication in line item form on school division's website

Amends § 22.1-93 of the Code of Virginia to require each local school division to publish the annual school budget in line item form on

its website. Current law requires publication of the budget but does not specify line item form. Patron: McDougle

[SB 1383](#) Home instruction; disclosure of personal information to Department of Education or other person

Amends § 22.1-254.1 of the Code of Virginia to prohibit a division superintendent or local school board from disclosing to the Department of Education or any other person or entity outside of the local school division information provided by a student or parent for the purpose of notifying the superintendent that the student will be receiving home instruction or for claiming a religious exemption from school attendance. The bill contains a technical amendment. Patron: Black

DEFEATED LEGISLATION

[HB 388](#) Charter schools; funding

Amends § 22.1-212.14 of the Code of Virginia to require each local school board to reimburse each public charter school in the school division in an amount equal to the difference between (i) the proportionate share of all state and federal resources allocated for students with disabilities and school personnel assigned to special education programs in the public charter school and (ii) the cost to the local school board to educate such students. Patron: Davis

[HB 1309](#) Local school boards; arming of school security officers

Amends §§ 18.2-308.1 and 22.1-280.2:1 of the Code of Virginia to permit local school boards to arm school security officers with batons, stun weapons, or any spray device designed to incapacitate a person and to allow school security officers to use such devices under the appropriate circumstances. Patron: Cole

[HB 1328](#) Public schools; impact of student aliens not lawfully present in the United States, report

Adds § 22.1-3.1:1 to the Code of Virginia to require public school principals to determine

the citizenship and immigration status of each enrolled student. Patron: Cole

[HB 1514](#) Composite index of local ability-to-pay; use value of real estate in certain localities

Adds § 22.1-98.3 to the Code of Virginia to require, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or local composite index (LCI) utilize the use value of all applicable real estate. Patron: Minchew

[HB 1550](#)/[HB 1838](#)/[HB 1941](#) School calendar; local school boards responsible for setting

Amends §§ 22.1-26, 22.1-79.1, and 22.1-296 of the Code of Virginia to make local school boards responsible for setting the school calendar and determining the opening date of the school year and eliminates the post-Labor Day opening requirement and “good cause” scenarios for which the Board of Education may grant waivers of this requirement. Patrons: Greason, Robinson and Adams

[HB 1585](#) Schools failing to achieve full accreditation; scheduling flexibility

Amends §§ 22.1-26, 22.1-79.1, and 22.1-296 of the Code of Virginia to permit a division superintendent, with the approval of the local school board, to (i) establish an alternative school schedule plan to (a) provide for the operation of schools on a year-round basis or (b) determine the opening day of the school year for any school within the local school division that has failed to achieve full accreditation status and (ii) establish such an alternative school schedule plan for the entire local school division if more than 15 percent of all public schools within the local school division have failed to achieve full accreditation status. Patron: Stolle

[HB 1626](#) Students receiving home instruction; participation in public school interscholastic programs

Adds § 22.1-7.2 to the Code of Virginia to prohibit public schools from joining an

organization governing interscholastic programs that does not deem eligible for participation of certain students who receive home instruction. This measure has been also known as the “Tebow” bill. The bill has an expiration date of July 1, 2020. Patron: Robert B. Bell

[HB 1752](#)/[SB 724](#) SOL; Board of Education prohibited from adopting revisions that implement Common Core State Standards

An uncodified Act to prohibit the Board of Education from replacing the educational objectives known as the Standards of Learning with Common Core State Standards without the prior statutory approval of the General Assembly but permits the Board to continue or create an educational standard or assessment that is coincidentally included in the standards referred to as the Common Core State Standards. Patrons: LaRock and Black

[HB 1953](#) School boards; annual workforce summit

Amends § 22.1-79 of the Code of Virginia to require each local school board to annually host a workforce summit at which members of the local business community, including representatives from the local chamber of commerce or other similar organization, shall provide information on the workforce skills necessary to meet the workforce demands of the local business community and suggest strategies and approaches by which elementary and secondary schools can better foster such skills alone or in cooperation with local business entities. Patron: Poindexter

[HB 2004](#) School nurses; divisionwide ratio students in average daily membership

Amends § 22.1-253.13:2 of the Code of Virginia to require local school boards to employ at least one school nurse per 750 students in average daily membership in grades kindergarten through 12. Patron: Torian

[HB 2005](#) School Performance Report Card; instructional costs

Amends § 22.1-90.1 of the Code of Virginia

to include transportation costs and food services costs in the definition of instructional costs for the purpose of the Department of Education's report of the percentage of each division's annual operating budget allocated to instructional costs in the annual School Performance Report Card for school divisions. Patron: Torian

[HB 2006](#) School divisions; concussion policies and procedures; management plan
Amends § 22.1-271.5 of the Code of Virginia to require each local school division to establish a management plan for implementation of and compliance with its policies and procedures regarding the identification and handling of suspected concussions in student-athletes. Patron: Torian

[HB 2010](#) Public elementary and secondary schools; uniform statewide grading scale
Adds § 22.1-18.2 to the Code of Virginia to require the Board of Education to establish a uniform statewide grading scale that each school division shall use to interpret end-of-course grades for students in grades kindergarten through 12 in each public elementary and secondary school, including each public charter school, joint or regional school, regional alternative education program, and college partnership laboratory school. Patron: Surovell

[HB 2220](#) Charter schools; per pupil funding to be allocated by local school board on a noncategorical basis
Amends § 22.1-212.14 of the Code of Virginia to require per pupil funding to be allocated to a public charter school by the local school board on a noncategorical basis. Patron: Davis

[HB 2302](#) Full-day kindergarten; school boards to develop programs
An uncodified act to require each local school board that does not offer a full-day kindergarten program for each kindergarten student in the school division to develop a plan to phase in a full-day kindergarten program for each kindergarten student in the school

division over the course of three school years and submit the plan to the General Assembly in advance of the General Assembly's next regular session. Patron: Murphy

[HB 2374](#) Teacher licensure; professional development in indicators of dyslexia
Amends § 22.1-298.1; and adds § 22.1-298.4 to the Code of Virginia to require the Board of Education's regulations governing teacher licensure to require every person seeking initial licensure or renewal of a license to receive professional development in the indicators of dyslexia and the science behind teaching a student who is dyslexic. Patron: Cline

[HB 2394](#) Local composite index; appeal of computation
Adds § 22.1-97.1 to the Code of Virginia to establish a procedure for appeal of the computation of the local composite index. Patron: Webert

[SB 309](#) Composite index, local; procedure for appealing computation
An uncodified act to provide a procedure for appealing the computation of the composite index of local ability-to-pay before a review committee consisting of three Board of Education members, the Superintendent of Public Instruction, the Secretary of Education or his designee, and the Secretary of Finance or his designee. The school boards are authorized to petition the Board of Education for review of the determination of the cost apportioned to the school boards for maintaining an educational program meeting the Standards of Quality. Patron: Vogel

[SB 823](#) Public schools; physical activity requirement
Amends § 22.1-253.13:1 of the Code of Virginia to require at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2017-2018 school year. Patron: Miller

[SB 830](#) School calendar; continuing waivers

Amends § 22.1-79.1 of the Code of Virginia to require the Board of Education to waive the requirement that a local school board set the first day students are required to attend school to be after Labor Day for any local school board that was granted a “good cause” waiver of this requirement for the 2011-2012 school year.

Patron: Edwards

[SB 998](#) School divisions; concussion policies and procedures, establishing a management plan

Amends § 22.1-271.5 of the Code of Virginia to require each local school division to establish a management plan for implementation of and compliance with its policies and procedures regarding the identification and handling of suspected concussions in student-athletes.

Patron: Stuart

[SB 1091](#) Public schools; adjustment of calculation of local composite index for funding

An uncodified act to direct the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use-value taxation. Patron: Vogel

[SB 1112](#) Public schools; kindergarten instructional time

Amends §§ 22.1-79 and 22.1-253.13:2 of the Code of Virginia to direct the Board of Education to promulgate regulations, by July 1, 2017, establishing standards for accreditation that include a requirement that the standard school day for students in kindergarten must average at least 5.5 instructional hours in order to qualify for full accreditation. The bill has a delayed effective date of July 1, 2017. Patron:

Barker

Environment and Agriculture

PASSED LEGISLATION

Agriculture

HB 1277/SB 955 Industrial hemp; production and manufacturing

Amends §§ 3.2-801 and 54.1-3401 and adds §§ 3.2-4112 through 3.2-4120 to the Code of Virginia to allow the cultivation of industrial hemp by licensed growers as part of a university-managed research program. The bills also direct the Commissioner of the Department of Agriculture and Consumer Services to adopt relevant regulations and establish an industrial hemp research program to be managed by public institutions of higher education. Patrons: Yost and Dance

HB 1364/SB 1413 Solid and semisolid industrial wastes; fees for testing and monitoring of land application

Amends §§ 62.1-44.3, 62.1-44.16, and 62.1-44.19:3 and adds § 62.1-44.16:1 to the Code of Virginia to allow localities to adopt ordinances that provide for the testing and monitoring of the land application of solid or semisolid industrial wastes. Requires the State Water Control Board (the Board) to adopt regulations by January 1, 2016, that will require persons land-applying industrial wastes to collect a fee from the generator of the industrial wastes and remit the fee to the Department of Environmental Quality (DEQ). The bill establishes a fee of \$5 per ton until altered by the Board. The bill also requires the Board's regulations to include procedures for (i) collection of the fees by DEQ, (ii) deposit of the collected fees into the Sludge Management Fund (the Fund), and (iii) disbursements from the Fund to localities for the testing and monitoring of the industrial wastes. The Department of Environmental Quality is required to establish and implement a program to train the employees of the localities who will

be responsible for testing and monitoring the land application of industrial wastes. Patrons: Peace and Dance

HB 1634/SB 1165 Farm winery; licensees allowed to manufacture wine containing 21 percent or less of alcohol by volume

Amends §§ 4.1-100 and 4.1-207 of the Code of Virginia to allow farm winery licensees to manufacture wine containing 21 percent or less of alcohol by volume. Under current law, farm winery licensees may manufacture wine containing 18 percent or less of alcohol by volume. Patrons: Bulova and McWaters

Animal Care, Fishing and Hunting

HB 1686 Fish; DGIF shall establish a special permit

Amends § 29.1-417 of the Code of Virginia to direct the Board of Game and Inland Fisheries to add largemouth bass and other members of the sunfish family to the types of fish that may be raised and sold from privately owned facilities. No license is required if the owner of the facility has paid the permit fee. Patron: Fariss

SB 1381 Private animal shelter; clarifies purpose and definition

Amends § 3.2-6500 of the Code of Virginia to clarify that the purpose of a private animal shelter is to find permanent adoptive homes for animals. Patron: Stanley

Energy

HB 1475/SB 1163 Natural gas utilities; recovery and deferral of system expansion infrastructure costs

Adds §§ 56-610, 56-611, and 56-612 to the Code of Virginia. Establishes a procedure under which a natural gas utility may seek State Corporation Commission (SCC) approval of a system expansion plan that includes, among other things, a schedule for recovery of eligible system expansion infrastructure

costs through a system expansion rider and a methodology for deferral of unrecovered eligible system expansion costs. Construction projects undertaken pursuant to this measure are required to be completed in accordance with standards filed with the Department of Environmental Quality. Patrons: Ware and Saslaw

[HB 1950/SB 1395](#) Electric utilities; net energy metering programs

Amends § 56-594 of the Code of Virginia to increase, from 500 kilowatts to one megawatt, the maximum generating capacity of an electrical generating facility owned or operated by an electric utility's nonresidential customer that may be eligible for participation in the utility's net energy metering program. In addition, the capacity of any generating facility installed under this section after July 1, 2015, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. The measure also (i) requires any eligible customer-generator seeking to participate in net energy metering to notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility and (ii) clarifies requirements regarding the customer-generator's obligation to bear the costs of equipment required for the interconnection to the supplier's electric distribution system. Patrons: McClellan and Dance

[HB 2246](#) Wood heaters; Air Pollution Control Board shall not adopt regulations that limit emissions

Amends §§ 10.1-1300 and 10.1-1307 of the Code of Virginia to prohibit the Air Pollution Control Board from adopting regulations that limit emissions from certain smaller wood heaters. The bill also prohibits the Board from enforcing any federal regulation limiting emissions from wood heaters that was adopted after May 1, 2014. Patron: Poindexter

[HB 2267/SB 1099](#) Virginia Solar Energy Development Authority; created, report
Adds §§ 67-1500 through 67-1509 to the Code of Virginia to create the Virginia Solar Energy Development Authority to facilitate, coordinate, and support the development of the solar energy industry and solar-powered electric energy facilities in the Commonwealth. The Authority will be composed of 11 members, of whom six will be appointed by the Governor, three will be appointed by the Speaker of the House, and two will be appointed by the Senate Committee on Rules. Members may be representatives of solar businesses, solar customers, renewable energy financiers, state and local government solar customers, and solar research academics. The bill has a sunset date of July 1, 2025. Patrons: Hugo/Stuart

[SB 1331](#) Natural Gas Conservation and Ratemaking Efficiency Act; cost-effective programs

Amends § 56-600 of the Code of Virginia to require the State Corporation Commission, when determining whether a natural gas conservation or energy efficiency program is cost-effective, to assign administrative costs associated with the conservation and ratemaking efficiency plan to the portfolio as a whole. The measure requires the assignment of education and outreach costs associated with each program in a portfolio of programs to such program, and not to individual measures within a program, when such administrative, education, or outreach costs are not otherwise directly assignable. The measure also provides that a cost-effective conservation and energy efficiency program shall not include a program designed to convert propane customers to natural gas. Patron: Petersen

[SB 1349](#) Electric utility regulation; suspension of regulatory reviews of utility earnings

Amends § 56-599 of the Code of Virginia to bar the State Corporation Commission (SCC) from conducting a biennial review of the

rates, terms, and conditions for any service of (i) Dominion Virginia Power for the five test periods beginning January 1, 2015, and ending December 31, 2019, and (ii) Appalachian Power for the four test periods beginning January 1, 2014, and ending December 31, 2017 (the Transitional Rate Period). Patron: Wagner

[SB 1466](#) Electric Utility Regulation, Commission on; extends sunset provision

Amends § 30-209 of the Code of Virginia to postpone the scheduled expiration of the Commission on Electric Utility Regulation from July 1, 2015, to July 1, 2018. Patron: Norment

Land Conservation

[HB 1488](#) Conservation easements; tax benefits, disputes over easement terms

Adds § 10.1-1021.2 to the Code of Virginia by allowing a landowner or other party to a conservation easement to request that the Virginia Land Conservation Foundation use the Administrative Dispute Resolution Act to resolve a dispute relating to the interpretation of the easement. Patron: Pogge

Water Quality

[HB 1535](#) Tributary strategies; removes requirement for Secretary of Natural Resources to provide a report

Repeals § 2.2-220 of the Code of Virginia by removing an obsolete requirement for the Secretary of Natural Resources to report annually to certain standing committees and the Virginia delegation to the Chesapeake Bay Commission on Chesapeake Bay tributary plans. The tributary plans have been replaced by the Watershed Implementation Plans. Patron: Bulova

[HB 1536](#) Water Quality Improvement Act; references to obsolete tributary strategy plans

Amends §§ 10.1-2117, 10.1-2128, 10.1-2129, and other sections of the Code of Virginia to remove out-of-date references to the tributary strategy plans that appear in the Virginia Water Quality Improvement Act of 1997. The

tributary strategy plans have been replaced by the Chesapeake Bay TMDL Watershed Implementation Plan as the approach for cleaning up the Chesapeake Bay. Patron: Bulova

[HB 1734](#) Living shorelines; loans for creation

Adds § 62.1-229.5 to the Code of Virginia to authorize the State Water Control Board to provide loans from the Virginia Water Facilities Revolving Fund to (i) a local government for the purpose of establishing living shorelines that protect or improve water quality and prevent water pollution or (ii) a local government that has developed a funding program to provide low-interest loans or other incentives to individuals to assist in establishing living shorelines. Patron: Hodges

[HB 1812](#) Chesapeake Bay Watershed Agreement; requirements of annual report

Amends § 2.2-220.1 of the Code of Virginia to update the requirements for the annual report concerning the Chesapeake Bay prepared by the Secretary of Natural Resources by substituting the recently agreed-to 2014 Chesapeake Bay Watershed Agreement for the Chesapeake Bay 2000 Agreement, which is now obsolete. Patron: Bloxom

[HB 1817/SB 1079](#) Flood protection plan; Department of Conservation and Recreation to regularly update

Amends § 10.1-602 of the Code of Virginia to direct the Department of Conservation and Recreation to regularly update the flood protection plan for the Commonwealth and to make the plan accessible online. Patrons: Stolle and Locke

[HB 1829](#) Toxic substances; changes time frame

Amends § 62.1-44.17:3 of the Code of Virginia to change from annually to every odd-numbered year the interval at which the Department of Environmental Quality is required to submit to the committees of oversight a report on the reduction of toxic substances in state waters. Patron: Plum

[HB 1871](#) Private wells; registration of wells located in ground water management areas

Amends § 62.1-258 of the Code of Virginia to require certified water well systems providers to register wells being constructed in ground water management areas with the State Water Control Board (SWCB) within 30 days of the completion of the well's construction. The bill requires the Department of Health (VDH) to provide the SWCB annually with a list of the wells that were permitted during the previous year and the SWCB to provide VDH annually with a list of the wells that were registered during the previous year. Patron: Bulova

[HB 1924/SB 1341](#) Eastern Virginia Groundwater Management Advisory Committee; established, report

Adds § 62.1-256.1 to the Code of Virginia to establish the Eastern Virginia Groundwater Management Advisory Committee to assist the Department of Environmental Quality (DEQ) with the development, revision, and implementation of a management strategy for ground water in the Eastern Virginia Groundwater Management Area. The bill prohibits the State Water Control Board and the DEQ from issuing draft permits that would require reductions in the volume of permitted ground water withdrawals before December 31, 2015. The bill has a sunset date of January 1, 2018. Patrons: Hodges and Norment

[HB 2067](#) Daylighted streams; not required to become Resource Protection Area

Amends §§ 62.1-44.15:68 and 62.1-44.15:72 of the Code of Virginia to provide that the State Water Control Board (SWCB), when developing the criteria for a Resource Protection Area (RPA) under the Chesapeake Bay Preservation Act, shall not require that a daylighted stream become an RPA. The bill requires any locality that does not designate an RPA adjacent to a daylighted stream to use a water quality impact assessment to ensure that development adjacent to the stream does not result in the degradation of the stream. The bill defines a daylighted stream as a stream that has been previously diverted into a culvert, pipe, or

other underground drainage system and is redirected into an aboveground channel using natural channel design concepts. The bill does not limit a locality's authority to include such a stream within an RPA. Patron: Watts

[SB 1047](#) Stormwater utility fees; municipal separate storm sewer permits

Amends § 15.2-2114 of the Code of Virginia to provide that where two adjoining localities each hold a permit to discharge stormwater from a municipal separate storm sewer system (MS4), a waiver of charges to a public entity for property that is covered by an MS4 permit shall also apply to covered property of a school board of one locality that is located in the other locality. Patron: Hanger

[SB 1201](#) Stormwater; procedure for approval of dredging operations in the Chesapeake Bay Watershed

Adds § 62.1-44.15:28.1 to the Code of Virginia to direct the State Water Control Board (the Board) to establish a procedure for the approval of dredging operations in the Chesapeake Bay watershed as a method by which to meet pollutant reduction and loading requirements. The bill provides that before the Board is required to establish the procedure, the Chesapeake Bay Program shall first approve the procedure as a creditable practice for pollutant removal. The bill requires that any dredging comply with all applicable laws. The bill also provides that any locality imposing certain stormwater fees may make funds available for stormwater maintenance dredging, including at the point of discharge, where stormwater has contributed to the deposition of sediment in state waters. Patron: Wagner

[SB 1203](#) Chesapeake Bay Watershed Implementation Plan; Little Creek watershed removed from James River Basin

An uncodified act to direct state agencies to remove the Little Creek watershed from inclusion in the James River Basin for purposes of the Chesapeake Bay Watershed Implementation Plan. Patron: Wagner

[SB 1284 Watershed Implementation Plans \(WIPs\); replacement of tributary strategies](#)

Amends § 2.2-218 of the Code of Virginia to replace the tributary strategies for cleaning up the Chesapeake Bay and its tributaries, which were last prepared in 2003-2004, with the Watershed Implementation Plans (WIPs) developed pursuant to the Chesapeake Bay total maximum daily load (TMDL). The bill authorizes the Secretary of Natural Resources to oversee the development and implementation of the WIPs. Patron: Hanger

DEFEATED LEGISLATION

[HB 738 Conservation easements; agreements to obtain land, consent required, inverse condemnation](#)

Adds § 25.1-107.1 to the Code of Virginia to provide that where the Commonwealth or any political subdivision possessing the power of eminent domain enters into an agreement to obtain a conservation easement, the Commonwealth shall first obtain the consent of all private landowners whose property would be subject to such easement, and any such landowner whose consent is not obtained shall have a cause of action against the Commonwealth for inverse condemnation. Patron: Lingamfelter

[HB 1228 Electric utility regulation; recovery of distribution system costs](#)

Amends § 56-585.1 of the Code of Virginia to authorize any electric utility to petition the State Corporation Commission for approval of a rate adjustment clause to recover from non-industrial customers the projected and actual costs of programs that will enhance the reliability of the utility's distribution system. Patron: Kilgore

[HB 1234 Landfills; limitation on location](#)

Amends § 10.1-1408.1 of the Code of Virginia to require the Director of the Department of Environmental Quality, during his consideration of whether to issue a permit for a new solid waste management facility or the

expansion of an existing facility, to determine that the proposed expansion of a facility will not be located within 150 feet of a Resource Protection Area. Patron: Albo

[HB 1293 Stormwater fees; exemptions for religious groups](#)

Amends §§ 15.2-2114 and 62.1-44.15:28 of the Code of Virginia to require the State Water Control Board, in establishing a statewide fee schedule for stormwater management programs, to waive permit fees for land-disturbing activities undertaken on property owned by certain churches, religious associations, or denominations. The bill also requires localities to waive stormwater management program service charges for properties owned by such organizations. Patron: Morris

[HB 1363 Industrial waste; land application unlawful in certain counties](#)

Amends § 62.1-44.16 of the Code of Virginia to make it unlawful to apply industrial wastes to land located in the County of Hanover, King William, or New Kent. The bill contains an emergency clause. Patron: Peace

[HB 1461 Milk production; exemptions from certain requirements](#)

Amends § 3.2-5206 of the Code of Virginia to exempt persons who own three or fewer milking cows from the oversight of the Milk Commission and the Board of Agriculture and Consumer Services' requirements governing the quality, grading, and sanitary standards for milk so long as the milk their cows produce is sold directly to consumers and contains a label stating that the product has not been inspected by the state. Patron: Morris

[HB 1511 Industrial waste and sewage sludge; disclosure of land](#)

Adds § 55-516.3 and 55-516.4 to the Code of Virginia to require the owner of land upon which industrial waste or sewage sludge has been stored or to which industrial waste or sewage sludge has been applied pursuant

to a permit issued by the Department of Environmental Quality (DEQ) to disclose such storage or application to a prospective purchaser or lessee of the land. Patron: Ware

[HB 1572](#) Open-space land; acquisition

Amends § 10.1-1701 of the Code of Virginia to provide that a locality shall not acquire an interest in property for the purpose of preservation or provision of open-space land that exceeds five years' duration. Any extension shall only be approved in conjunction with a comprehensive plan review. Patron: Pogge

[HB 1586](#) Community cat programs

Amends §§ 3.2-6500, 3.2-6551, and 32.1-48.06; and adds § 3.2-6504.1 to the Code of Virginia to authorize the operation of cat "trap, neuter and release" programs for feral cats. The bill exempts a community cat caregiver from criminal and civil liability for any decisions made or services rendered as part of a community cat program, except for willful and wanton misconduct. Patron: Kory

[HB 1652](#) Local government; notice of commercial application of pesticides

Adds § 15.2-902.1 to the Code of Virginia to authorize any locality by ordinance to require the owners of residential property consisting of one-half acre or less to provide 48-hour advance notice of the application of pesticides by a commercial applicator to adjoining property owners. The bill provides that the ordinance may specify the method of the required notice. Patron: Simon

[HB 1870](#) Ground water management area; withdrawal permits

Amends § 62.1-259 of the Code of Virginia to require the developer of any subdivision in a ground water management area to obtain a withdrawal permit if the total volume projected to be withdrawn by all of the individual wells in the subdivision equals or exceeds 300,000 gallons per month. The bill requires a withdrawal permit for any subdivision that receives plat approval on or after January 1, 2016, and requires that the permit be amended

for the construction of any additional well. The bill also specifies the procedure by which a developer may transfer the subdivision's withdrawal permit. Patron: Bulova

[HB 2032](#) Notice to localities and property owner's application for use of bottomland

Amends §§ 28.2-603, 28.2-603.2, and 28.2-606 of the Code of Virginia to require the Marine Resources Commission to provide written notification of the receipt of an application for an oyster lease or a permit for the placement of temporary enclosure to adjacent property owners and localities where the lease or temporary enclosure is to be located. The applicant is responsible for paying the costs of notifying the property owners and localities. Patron: Helsel

[SB 693](#) Feral cats; trapping, neutering, and returning to site activity

Amends §§ 3.2-6500 and 3.2-6504; and adds §.2-6504.1 to the Code of Virginia to permit a person to trap and sterilize a feral cat before returning it to the site where it was trapped. The bill excludes a participant in such an activity from the definition of "owner" regarding custody of the subject cat; under current law, abandonment of an animal by an owner is a misdemeanor. Patron: Martin

[SB 698](#) Companion animal; surgical sterilization program, fund, penalty

Amends §§ 3.2-6500 and 58.1-1708; and adds §§ 3.2-6504.1, 3.2-6504.2, 3.2-6504.3, and 58.1-1707.1 to the Code of Virginia to establish a fund to reimburse participating veterinarians for the surgical sterilizations they perform on eligible cats or dogs. The bill provides that a surcharge of \$50 per ton of pet food distributed in the Commonwealth be deposited in the fund and such pet food be exempted from the existing litter tax. An animal will be eligible for sterilization under the program if it is a feral or free-roaming cat or is owned by a low-income individual or a releasing agency such as an animal shelter. The bill establishes penalties for providing false information or submitting false payment requests. Patron: Stanley

[SB 699](#) Community cat programs; localities to authorize operation of programs

Amends §§ 3.2-6500, 3.2-6551, and 32.1-48.06; and adds § 3.2-6504.1 to the Code of Virginia to allow localities to authorize the operation of community “trap, neuter and release” programs for feral cats. The bill exempts a community cat caregiver from criminal and civil liability for any decisions made or services rendered as part of a community cat program, except for willful and wanton misconduct. Patron: Stanley

[SB 1071](#) Environmental Quality, Department of; raises civil penalties

Amends § 10.1-1182 of the Code of Virginia to raise the civil penalty that may be included with a special order from \$10,000 to \$25,000. The bill also makes technical amendments. Patron: McEachin

Finance

PASSED LEGISLATION

Assessments

HB 1483 Real property assessment; valuation for land preservation

Amends § 58.1-3233 of the Code of Virginia to permit localities to set acreage requirements less than the current five-acre requirement for agricultural property to qualify for land use valuation. Patron: Rush

HB 1153 Real property tax; assessments, appeal to court

Amends § 58.1-3987 of the Code of Virginia to permit courts to grant reasonable attorney fees to taxpayers who prevail in appeals of real property tax assessments on residential property. Patron: Pogge

HB 1378 Real property tax; notice of assessments

Amends § 58.1-3330 of the Code of Virginia to clarify that the information required on the notice of assessment regarding assessments in the immediately prior two tax years refers to the immediately prior two tax years' final assessments. Patron: Yost

SB 872 Real property; explanation of increased assessment

Amends § 58.1-3331 of the Code of Virginia to require an assessing officer of a governing body to provide, upon taxpayer request, a written explanation of or justification for an increase in the assessed value of the taxpayer's property. Patron: Cosgrove

Compensation and Retirement

HB 1747 Health insurance; mental health parity

Amends §§ 38.2-3412.1, 38.2-3418.17, 38.2-4300, 38.2-4319, and 38.2-5800; and repeals § 38.2-3412.1:01 to conform certain requirements regarding coverage for mental

health and substance use disorders to provisions of the federal Mental Health Parity and Addiction Equity Act of 2008 (the Act). Patron: O'Bannon

HB 1890 Virginia Retirement System; purchase of service credit for prior service

Amends §§ 51.1-142.2 and 51.1-142.3 of the Code of Virginia to make numerous changes to the purchase of service credit program to simplify it and make it more cost-neutral to the fund and more in line with other states' programs. The bill has a delayed effective date of January 1, 2017. Patron: Jones

HB 1940 Health insurance; mandated coverage for autism spectrum disorder

Amends § 38.2-3418.17 to require health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis and treatment of autism spectrum disorder in individuals from age two through 10. Patron: Greason

HB 1969 Virginia Retirement System; cash balance retirement plan

Directs the Virginia Retirement System to develop a proposed cash balance retirement plan and provide the proposal to the General Assembly no later than November 1, 2015. Patron: Jones

HB 2178/SB 1162 Hybrid retirement program; disclosure of services, etc., associated with voluntary contributions

Amends §§ 51.1-169 and 51.1-610 of the Code of Virginia to allow school divisions the option of establishing and administering their own deferred compensation and cash match plans for the hybrid retirement program. Employees of such school divisions would have the option of participating in such programs. The bill has a delayed effective date of January 1, 2016. Patrons: Poindexter and Watkins

HB 2204 Line of Duty Act; codifying revisions to the Act

Amends §§ 9.1-400, 9.1-401, 9.1-402 through 9.1-405, and 9.1-407; adds §§ 9.1-400.1 and

51.1-124.37, and repeals § 9.1-406 of the Code of Virginia to revise the Line of Duty Act (the Act) by codifying revisions to the Act in the appropriation act, transferring overall administration of the Act to the Virginia Retirement System (VRS), transferring administration of health insurance benefits under the Act to the Department of Human Resource Management (DHRM), and providing for an administrative appeal process. Except for the development of proposals by VRS and DHRM, the bill becomes effective July 1, 2016, and only if reenacted by the 2016 Session of the General Assembly. Patron: Jones

[HB 2277](#) Life insurance; coverage for retired state employees

Amends § 51.1-505 to provide that the basic life insurance coverage for retired state employees with 30 or more years of creditable service shall not be reduced to less than \$8,000, indexed to the amount of post-retirement supplements for retirees as calculated for employees hired on or after July 1, 2010. Patron: Ingram

[SB 942](#) Virginia Retirement System; purchase of prior service credit

Amends § 51.1-142.2 to allow a member of the VRS granted an unpaid leave of absence for the death of a qualifying child to purchase up to one year of service credit per occurrence of leave. Patron: Stuart

[SB 1046](#) Benefits consortium; formation of a not-for-profit consortium by localities

Adds § 15.2-1517.1 to authorize the governing bodies of three or more cities, counties, or school boards, if they composed the membership of a multiple employer welfare arrangement on December 31, 2014, to form a benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan. Patron: Hanger

Tax

[HB 1279](#) Motor vehicle sales and use tax; expands certain exemption

Amends § 58.1-2403 of the Code of Virginia to expand the exemption from payment of the motor vehicle sales and use tax for gifts of vehicles to certain family members to include gifts to a parent. Patron: Garrett

[HB 1291/SB 678](#) Real property tax; notice of assessments

Amends § 58.1-3330 of the Code of Virginia to clarify that the information required on the notice of assessment regarding assessments in the immediately prior two tax years refers to the immediately prior two tax years' final assessments. Patrons: Ware and Watkins

[HB 1297](#) Machinery and tools tax; production of renewable energy

Adds § 58.1-3508.6 to the Code of Virginia to clarify machinery and tools owned by a business and used directly in producing or generating renewable energy as a separate class of property for tax rate purposes. The bill authorizes each locality to impose a tax on such machinery and tools at a rate less than that generally applicable in the locality to machinery and tools. Patron: Rasoul

[HB 1705/SB 1308](#) Gas severance tax; no tax shall be imposed on or after January 1, 2018

Amends § 58.1-3713 of the Code of Virginia to extend the sunset date from December 31, 2015, to January 1, 2018, for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. This bill incorporates HB 2282. Patrons: Morefield and Chafin

[HB 1567](#) Tax-delinquent property; multijurisdictional sale

Amends § 58.1-3965 of the Code of Virginia to provide a method for the sale of tax-delinquent real property that is located in more than one locality. The consent of the treasurer of each locality within which the property is located is required. Patron: Orrock

[HB 1489](#) Local taxes; payment by a third party

Amends § 58.1-3018 of the Code of Virginia to increase from 24 months to 96 months the maximum reimbursement time period for third-party tax payment agreements, in which a taxpayer repays a third party who paid local taxes on the taxpayer's behalf. Patron: Habeeb

[HB 1711](#) Real property tax; nonjudicial sale of certain tax-delinquent property

Amends § 58.1-3975 of the Code of Virginia to clarify that the person who administers a locality's zoning ordinance, and therefore the person who makes determinations whether certain tax-delinquent real property meets the requirements for a nonjudicial sale, does not have to have "zoning administrator" as his official title. Patron: Yost

[HB 1721](#) Real property tax; exemption for surviving spouses of members of armed forces killed in action

Amends §§ 58.1-3219.9, 58.1-3360.1, and 58.1-3360.2 of the Code of Virginia to exempt from taxation the dwelling of the principal residence of a surviving spouse of a member of the armed forces of the United States killed in action. If the value of the dwelling is in excess of the average assessed value of dwellings in the locality situated on property zoned as single family residential, then the portion of the value in excess of such average assessed value shall be subject to taxation. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, which was adopted by the voters in 2014, the General Assembly previously enacted legislation exempting from taxation the principal residence of such surviving spouse

only if the assessed value of the residence was not in excess of the averaged assessed value. This bill exempts the portion of the residence below the average assessed value, regardless of the full assessed value of the dwelling. Patron: Ramadan

[HB 1828/SB 1019](#) Land preservation; tax credit

Amends § 58.1-512 of the Code of Virginia to make several changes to the land preservation tax credit. Patrons: Ware and Watkins

[HB 1843/SB 1037](#) Green job creation tax credit; extends sunset provision to January 1, 2018

Amends § 58.1-439.12:05 of the Code of Virginia to extend the green job creation tax credit for three years, through taxable year 2017. Patrons: James and Hanger

[HB 2173](#) Real property tax; waiver of delinquent taxes

Adds § 58.1-3970.2 to the Code of Virginia to authorize any locality to waive delinquent taxes on real property in exchange for the owner's donating the property to a nonprofit organization that builds, renovates, or revitalizes affordable housing for low-income families. Patron: Orrock

[SB 759](#) Transient occupancy tax; Isle of Wight County authorized to impose a tax of up to 2 percent

Amends § 58.1-3819 of the Code of Virginia to add the County of Isle of Wight to the list of counties authorized to impose a transient occupancy tax of up to five percent, with any excess over two percent to be designated and spent solely for tourism purposes. Patron: Lucas

[SB 1040](#) License tax; businesses ceasing operations

Amends § 58.1-3710 of the Code of Virginia to allow a person, firm, or corporation that ceases business in one year, but attempts to settle existing, outstanding accounts in the next year,

to pay a license tax based on the estimate of the current year's gross receipts instead of the previous year's gross receipts. Patron: Hanger

SB 1177 Commissioners of the revenue; production of documents related to tax liability by taxpayer

Amends § 58.1-3110 of the Code of Virginia to authorize a commissioner of the revenue to require a taxpayer to produce documents related to his tax liability. Current law authorizes a treasurer to summon a taxpayer and require the production of documents, but authorizes a commissioner of the revenue only to summon a taxpayer. Patron: Norment

DEFEATED LEGISLATION

HB 371 License tax, local; tax on net income of businesses

Amends § 58.1-3702 of the Code of Virginia to require that beginning with the 2015 license year, the optional local license (BPOL) tax would be imposed on the Virginia taxable income of corporations and the net income of sole proprietorships and pass-through entities. Under current law, the optional BPOL tax is imposed on the gross receipts or gross revenues of businesses. Patron: Head

HB 434 Machinery and tools, merchants' capital, and BPOL taxes; maximum rates established

Amends §§ 58.1-3509 and 58.1-3706; and adds § 58.1-3508.6 to the Code of Virginia to prohibit a locality from increasing its business machinery and tools tax, merchants' capital tax, and local license (BPOL) fees and taxes above the locality's rates in effect as of January 1, 2014. Patron: LeMunyon

HB 896 Income tax, state; tax credit for completion of public school renovation

Adds § 58.1-439.12:11 to the Code of Virginia to provide an income tax credit to persons that complete the renovation or retrofitting of a public school during the taxable year, in accordance with the provisions of the Public-

Private Education Facilities and Infrastructure Act. The credit would be available beginning with the 2014 taxable year and thereafter. Patron: Stolle

HB 910 Renewable energy property; tax credits for placing into service

Adds § 58.1-439.12:11 to the Code of Virginia to establish beginning with taxable year 2014 tax credits for placing into service renewable energy property. The credit would equal 40 percent of the costs paid or incurred to place the renewable energy property into service, not to exceed \$3 million for any individual piece of renewable energy property. Patron: Villanueva

HB 974 Income tax, state and corporate; credit for food crop donations to a food bank

Amends §§ 58.1-322 and 58.1-402; and adds § 58.1-439.12:11 to the Code of Virginia to establish an individual and corporate income tax credit beginning in 2014 for food crops that are grown and donated by a person to a nonprofit food bank. The credit would equal 30 percent of the fair market value of the food crops donated by the person during the taxable year, not to exceed an aggregate of \$5,000 for any taxable year. The bill defines food crops as grains, fruits, nuts, or vegetables. Patron: Cline

HB 1294 Churches and other religious bodies

Amends and reenacts §§ 15.2-1104.1, 15.2-2114, 58.1-3, and other sections; and adds § 57-2.03 to the Code of Virginia to exempt churches, religious associations, and religious denominations from all state and local taxes, fees, and other charges. Patron: Morris

HB 1352 BPOL tax; deduction for amounts paid under subcontracts

Amends § 58.1-3732 of the Code of Virginia to allow a deduction from gross receipts for amounts paid by the licensee to persons who are not employees pursuant to a subcontract between the licensee and such other persons. The deduction would become effective

beginning with the 2016 license year. Patron: Ramadan

[HB 1377](#) Health insurance; credits for retired school division employees

Amends §§ 51.1-1400 and 51.1-1401 of the Code of Virginia to expand the recipients of the health insurance credits currently being provided to retired teachers to all retired employees of local school divisions. Local fiscal impact. Patron: McQuinn

[HB 1404](#) Business permit, license, etc.; timely response by localities

Adds § 15.2-110 to the Code of Virginia to provide that in any instance in which a person is seeking a business permit, a license, or an application for any similar local government approval from a locality, the locality shall provide documentation and instructions that outline all steps necessary to obtain the permit, license, or approval. The locality shall also specify any further permit, license, or other approval that may be required to complete the original project or business activity and shall disclose the expected time required by the locality for the completion of each step of the process to obtain the permit, license, or other approval. Patron: Head

[HB 1410](#) Motor fuels; reduces tax rate on gasoline and gasohol

Amends § 58.1-2217 of the Code of Virginia to reduce the motor fuels tax on gasoline and gasohol from 5.1 percent to 3.5 percent of the statewide average wholesale price of a gallon of unleaded regular gasoline. The rate increased from 3.5 percent to 5.1 percent on January 1, 2015, as required by Chapter 766 of the Acts of Assembly of 2013, because Congress did not pass a law permitting the Commonwealth to require out-of-state sellers to collect and remit sales and use tax. Patron: R.G. Marshall

[HB 1416](#) Real property tax assessment; appeal to circuit court

Amends § 58.1-3984 of the Code of Virginia to provide that neither the taxpayer nor the locality shall have the burden of proof in an

appeal of a real property assessment to the circuit court. Patron: Taylor

[HB 1576](#) Real property tax assessments; arbitration

Amends §§ 8.01-581, 58.1-3330, and 58.1-3331; and adds § 58.1-3984.1 to the Code of Virginia to permit the taxpayer to submit the valuation of an owner-occupied dwelling to binding arbitration in lieu of an appeal to court. Patron: Pogge

[HB 1621](#) Real property tax; notice of assessments

Amends § 58.1-3330 of the Code of Virginia to clarify that the information required on the notice of assessment regarding assessments in the immediately prior two tax years refers to the immediately prior two tax years' final assessments. Patron: Rush

[HB 1659/SB 1022](#) Virginia Retirement System; increase of retirement allowance

Amends § 1 of Chapter 682 of the Acts of Assembly of 2001 to provide for an increase, beginning July 1, 2015, of the monthly retirement allowance payable to any person who retired with at least 15 years of creditable service before January 1, 1990, under VRS or the State Police Officers' Retirement System. Local fiscal impact. Patrons: Rust and Colgan

[HB 1831](#) Income tax, state; tax credit for low-income taxpayer

Amends § 58.1-339.8 of the Code of Virginia to allow low-income individuals and married persons to claim a refundable income tax credit equal to 10 percent of the federal earned income tax credit claimed by the individual or married persons for the year in lieu of the current options available for claiming the credit. Under current law, low-income individuals and married persons may claim (i) a nonrefundable income tax credit equal to \$300 for each of the individual, his spouse, and any dependents or (ii) a nonrefundable income tax credit equal to 20 percent of the federal earned income tax credit claimed by the individual or married persons for the year.

The changes in the bill would become effective beginning with taxable year 2015. Patron: Plum

[HB 1877](#) Coal; expiration of certain tax credits, dedication of additional revenues

Amends §§ 58.1-433.1, 58.1-439.2, and 58.1-2626.1; and adds § 23-38.53:10.1 to sunset the Virginia coal employment and production incentive tax credits and the coalfield employment enhancement tax credit on January 1, 2016. An amount equal to the additional annual revenue anticipated to be received in the state treasury from the expiration of the tax credits would be deposited into the Additional Guaranteed Assistance Fund (the Fund), a special fund created under the bill for providing grants to eligible students enrolled in or accepted for enrollment in a public institution of higher education in Virginia. Patron: Krupicka

[HB 1939](#) Neighborhood assistance; reduces tax credit

Amends §§ 58.1-439.21 and 58.1-439.24 of the Code of Virginia to change the Neighborhood Assistance Act Tax Credit Program by (i) reducing the tax credit from 65 to 60 percent of the value of donations to neighborhood organizations and (ii) increasing the annual cap on the value of donations by individuals that are eligible for credit from the first \$125,000 of value to the first \$135,500 of value. The provisions of the bill would become effective beginning with taxable year 2016. Patron: Toscano

[HB 1949](#) County food and beverage tax; referendum

Amends § 58.1-3833 of the Code of Virginia to provide that a county shall not hold a referendum proposing the imposition of a food and beverage tax more often than every three years. Patron: Poindexter

[HB 1973](#) Businesses, certain; local limitations on number

Adds § 15.2-912.4 to the Code of Virginia

to provide that a locality may by ordinance reasonably limit the number of motor vehicle title loan businesses, payday lenders, check cashers, and precious metals dealers that may be operated at any one time within its territorial limits. The ordinance may limit the number of such establishments based on a specific number of businesses per magisterial or election district or by limiting the number of such businesses within an established radius. Patron: Preston

[HB 2095](#) Real property tax on commercial and industrial property

Amends § 58.1-3221.3 of the Code of Virginia to require counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise. Patron: Keam

[HB 2109](#) Tax credits; expiration date

Adds § 58.1-319.1 to the Code of Virginia to provide that any tax credit that does not otherwise indicate an expiration date will expire on January 1, 2025, absent General Assembly action to continue the credit. The automatic expiration will not apply to the credit for taxes paid in other states or the credit for low-income taxpayers. Patron: Futrell

[HB 2117](#) Retail sales and transient occupancy taxes; room rentals, lodgings, etc

Amends §§ 58.1-602, 58.1-603, 58.1-612, and other sections; and adds § 58.1-3818.8 to the Code of Virginia to provide that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately

state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. Patron: Mason

[HB 2135](#) Income tax, state and corporate; credit for food crop donations to a food bank

Amends §§ 58.1-322 and 58.1-402; and adds § 58.1-439.12:11 to the Code of Virginia to establish an individual and corporate income tax credit beginning in 2015 for food crops that are grown and donated by a person to a nonprofit food bank. The credit would equal 30 percent of the fair market value of the food crops donated by the person during the taxable year, not to exceed an aggregate of \$5,000 for any taxable year. The bill defines food crops as grains, fruits, nuts, or vegetables. The bill provides for any unused credit to be carried forward for five years. The credit would sunset on January 1, 2020. Patron: Cline

[HB 2181](#) Coal; tax credit allowed beginning January 1, 2015

Amends §§ 58.1-433.1 and 58.1-439.2 of the Code of Virginia to update the Virginia coal employment and production incentive tax credit. Patron: Toscano

[HB 2282](#) Gas severance tax; eliminates expiration date for tax

Amends § 58.1-3713 of the Code of Virginia to eliminate the expiration date for the local gas severance tax that is dedicated to (i) the local Coal and Gas Road Improvement Fund, (ii) the Virginia Coalfield Economic Development Fund, and (iii) water, sewer, and natural gas systems and lines. This bill was incorporated HB 1705. Patron: O'Quinn

[SB 428](#) Personal property tax; localities authorized to tax telephone and telegraph companies

Amends §§ 58.1-2606 and 58.1-2628 of the Code of Virginia to authorize localities to tax the personal property of telephone and telegraph companies not used in furnishing

telegraph, telephone, broadband personal, or mobile commercial communication services, at the applicable personal property rate. Under current law, all personal property of telegraph and telephone companies must be taxed at the locality's real property tax rate. Patron: Vogel

[SB 483](#) Real property tax liens; assignment to third party

Amends §§ 58.1-807, 58.1-3018, 58.1-3340, and 58.1-3930; and adds § 58.1-3018.1 to the Code of Virginia to provide that if a taxpayer agrees, a third party who pays the delinquent taxes due on the taxpayer's real property may be assigned the tax lien on the property. Patron: Stuart

[SB 524](#) Segregated revenues; local fines and penalties

Adds §§ 15.2-2501.1 and 30-135.1 to the Code of Virginia to provide for a portion of the revenues from local fines and penalties to be segregated and deposited in a special fund in those counties or cities in which the local fines and penalties collected exceed a threshold amount. If the local fines and penalties collected by a county's or city's district courts during the fiscal year exceed 65 percent of the total of all fines and penalties collected by such courts, then the requirement to segregate and deposit the local fines and penalties in a special fund is triggered. One-half of the local fines and penalties exceeding such 65 percent would be deposited into the local special fund. Local fines and penalties deposited into the special fund could be used for any purpose including the funding or financing of the operations or administration of police or sheriff's departments. The bill intends to create a mechanism to track local government appropriations of local fines and penalties in certain counties and cities. Patron: Carrico

[SB 736](#) Courthouse and courtroom security; increases assessment

Amends §53.1-120 of the Code of Virginia to increase from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a

criminal or traffic case in district or circuit court to fund courthouse security. Patron: Howell

[SB 826](#) State appropriations; limitations

Amends § 2.2-1509 of the Code of Virginia to limit the growth in appropriations from state sources to the growth of Virginia's population plus the rate of inflation. Patron: Martin

[SB 887](#) Real property; tax on commercial and industrial property in certain localities

Amends § 58.1-3221.3 of the Code of Virginia to require counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise. Patron: Petersen

[SB 978](#) Virginia Retirement System; participation in Plan One

An uncodified act to allow an employee hired before July 1, 2010, who did not have at least 60 months of creditable service as of January 1, 2013, to make a one-time, irrevocable election to participate in the Virginia Retirement System as a Plan One employee. The provisions of the bill are contingent on an appropriation of at least \$107.3 million to an unfunded liability special fund in a 2015 general appropriation act. Local fiscal impact. Patron: Ruff

[SB 1210](#) Retail sales and transient occupancy taxes on room rentals

Amends §§ 58.1-602, 58.1-603, 58.1-612, and other sections; and adds § 58.1-3818.8 to the Code of Virginia to provide that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately

state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. Patron: Ebbin

General Government

PASSED LEGISLATION

Elections

HB 1318 Absentee ballots; photo identification required for submission of application

Amends § 24.2-701 to require that any voter submitting his application for an absentee ballot by mail or by electronic or telephonic transmission to a facsimile device shall submit with his application a copy of one of the forms of identification acceptable under current law. Patron: Campbell

HB 1433/SB 1092 General registrars; reassigning duties of the electoral board

Amends §§ 24.2-114, 24.2-701, 24.2-702, to reassign duties of the electoral board related to absentee voting and campaign finance to the general registrars. Patrons: Vogel and Cole

HB 2062 Elections administration; pre-election and post-election activities

Amends §§ 24.2-101, 24.2-404, 24.2-404.3, and repeals the second enactment of Chapter 318 of the Acts of Assembly of 2007 to make technical amendments to certain pre-election and post-election activities. The bill also requires that a precinct having more than 4,000 registered voters be provided with no less than two ballot scanner machines at a presidential election, but provides an exception for localities that determine that a second scanner is not necessary at a particular precinct on the basis of voter turnout and the average voter wait time in previous presidential elections. Patron: Sickles

SB 1062 Presidential elections; number of officers of election and ballot scanner machines

Amends §§ 24.2-115 and 24.2-627 to require any precinct having more than 4,000 registered voters to have not less than five officers of

election serving at a presidential election and requires the electoral board to appoint additional officers as may be needed to comply with this requirement. The bill also requires that a precinct having more than 4,000 registered voters be provided with no less than two ballot scanner machines at a presidential election, but provides an exception for localities that determine that a second scanner is not necessary at a particular precinct on the basis of voter turnout and the average voter wait time in previous presidential elections. Patron: Obenshain

SB 1089 Constitutional office; filling a vacancy

Amends § 24.2-228.1 to clarify that the highest ranking deputy officer or, in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth shall step in to fill a vacancy in a constitutional office until a special election to fill such a vacancy has been held, regardless of a county or city charter's alternative method for filling such a vacancy. Patron: Vogel

Freedom of Information Act

HB 1618/SB 1126 Virginia Freedom of Information Act; resource management plans, closed meetings

Amends §§ 2.2-3711 and 10.1-104.7 to create an open meeting exemption for those meetings or portions of meetings of a Resource Management Plan Technical Review Committee, a Soil and Water Conservation District Board, a review committee of the Department of Conservation and Recreation, or the Virginia Soil and Water Conservation Board when such body discusses or considers records currently excluded from FOIA. The bill provides that this exemption shall not apply, however, to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into

a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information. Patrons: Scott and Hanger

[SB 969](#) Virginia Freedom of Information Act; exception to open meeting requirements

Amends §§ 2.2-3701 and 2.2-3707 to clarify that the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, is not a meeting under FOIA. The bill contains a technical amendment. Patron: Ruff

[SB 1109](#) Virginia Freedom of Information Act; expands open meeting exemptions

Amends § 2.2-3711 to expand the open meeting exemption for the discussion of plans to protect public safety as it relates to terrorism and security of governmental facilities to include the discussion of specific cybersecurity threats or vulnerabilities, including the discussion of related records excluded from FOIA, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program. The bill contains an emergency clause. Patron: Stuart

[SB 1129](#) FOIA; expands record exemption for public safety, cybersecurity

Amends § 2.2-3705.2 to expand the current record exemption for plans and information to prevent or respond to terrorism to include

information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building structure, information technology system, or software program. The bill contains an emergency clause and technical amendments. Patron: Stuart

Conflicts of Interests Act

[HB 2070](#)/[SB 1424](#) State and Local Government Conflict of Interests Act, General Assembly Conflicts of Interests Act

Amends §§ 2.2-115, 2.2-206.2, 2.2-419, and other sections; and adds §§ 2.2-3103.2, 30-103.2, 30-356.1 to remove the distinction between tangible and intangible gifts and prohibits any state or local officer or employee, member of the General Assembly, and certain candidates from soliciting, accepting, or receiving a cumulative annual total value exceeding \$100 from certain persons. The bill also prohibits the immediate family of such officers, employees, members, or candidates from soliciting, accepting, or receiving such gifts. The bill provides an exception for gifts received at widely attended events, which are those events at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event. The bill requires disclosure of any single gift or entertainment, or any combination of gifts or entertainment, with a value exceeding \$50. The bill modifies the current composition of the Council and requires that there be bipartisan balance of the General Assembly members appointed to the Council. The bill requires electronic filing of disclosure forms with the Council and provides that local officers and employees will file disclosure forms locally instead of with the Council. The bill has a delayed effective date of January 1, 2016. Patrons: Gilbert and Norment

Personnel

[HB 1681](#) Workplace safety; employer reporting requirements

Amends § 40.1-51.1 to require employers to

notify the Virginia Department of Labor and Industry of any work-related hospitalization, amputation, or loss of an eye. Existing law requires employers to report hospitalizations involving three or more employees and does not specifically address reporting an amputation or enucleation. Patron: Carr

[HB 2081](#) Employers; disclosure of social media account information

Adds § 40.1-28.7:5 to prohibit an employer from requiring a current or prospective employee to disclose the username and password to his social media account. The measure also prohibits an employer from requiring an employee to add an employee, a supervisor, or an administrator to the list of contacts associated with the employee's social media account. Patron: Peace

[SB 1133](#) State and local government officers and employees; prohibited conduct, retaliation

Amends § 2.2-3103 to prohibit a state or local government officer or employee from using his public position to retaliate or threaten retaliation against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law. The bill provides, however, that the prohibition does not (i) restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law or (ii) limit the authority of a constitutional officer to discipline or discharge an employee with or without cause. Patron: Garrett

Procurement

[HB 1628](#) Virginia Public Procurement Act; contract modification

Amends § 2.2-4309 to provide that the contract modification provisions of the Virginia Public Procurement Act do not limit the amount a party to a public contract may claim or recover against a public body in the event of a contract dispute. The bill provides that modifications made by a political subdivision that fail to

comply with the above provisions are voidable at the discretion of the governing body, and unauthorized approval of a modification cannot be the basis of a contractual claim under the Virginia Public Procurement Act. Patron: Albo

[HB 1637](#) Virginia Public Procurement Act; job order contracts and design professional contracts

Amends § 2.2-4302.2 to decrease the population threshold for localities for the procurement of architectural and engineering services from 80,000 to 78,000 and increases the single project limit for architectural and engineering services for such localities from \$2 million to \$2.5 million and the aggregate limit for projects performed in a one-year contract term from \$5 million to \$6 million. Patron: Minchew

[HB 1835/SB 1371](#) Virginia Public Procurement Act (VPPA); methods of procurement

Amends §§ 2.2-2012, 2.2-4301, 2.2-4302.2, and other sections; and adds §§ 2.2-4303.1 and 2.2-4303.2 to clarify that small purchase procedures include the procurement of non transportation-related construction. The bill also increases contract amounts for job order contracting and provides that (i) order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed is prohibited, (ii) no public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400. Professional architectural or engineering services may be included on a job order where such professional services are (a) incidental and directly related to the job, (b) do not exceed \$25,000 per job order, and (c) do not exceed \$75,000 per contract term., and (iii) job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. The

bill clarifies the provisions of the VPPA related to cooperative procurement and requires that by October 1, 2017, certain entities including the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing, on behalf of local public bodies, report their respective experiences and findings relating to the appropriateness and effectiveness of job order contracting, the job order project cost limitations as added by this bill, and the architectural and professional engineering term contract limits to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology. The bill also requires for construction projects in excess of \$2 million, a public body provide its justification for use of any procurement method other than competitive sealed bidding to the Director of the Department of General Services. The bill further provides that its provisions shall not apply to any solicitation issued or contract awarded before July 1, 2015, except that the provisions of subsection B of § 2.2-4303.2, as added by this bill, shall apply to any renewal of a job order contract. Patrons: Gilbert and Ruff

[HB 1917](#) Governmental agencies; contracts for items listed on commercial activities list
Adds § 2.2-614.4 to require local governmental entities that intend to purchase services for an amount over \$25,000 from another governmental agency, which service is found on the commercial activities list, to post notice of such purchase and provide the opportunity for comment by or the submission of information from the private sector on each such intended purchase. The bill specifies where the notice is to be posted and defines commercial activities list and governmental agency. Patron: LeMunyon

[SB 1226](#) Virginia Public Procurement Act; requirements for Requests for Proposal
Amends § 2.2-4302.2 to require that Requests for Proposal (RFP) include the specifics of any numerical scoring system to be used

and indicate the weight that will be given to individual components of a proposal. The bill provides that if a numerical system is used, the point values assigned to each of the evaluation criteria must be included in the RFP or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals. Patron: Reeves

Public Safety

[HB 1408](#) Telecommunication records; warrant requirement, prohibition on collection by law enforcement

Amends § 19.2-70.3 to provide that if an investigative or law-enforcement officer would be required to obtain a search warrant in order to obtain the contents of electronic communications or real-time location data from a provider of electronic communication service or remote computing service, the officer shall not use any device to intercept such communications or collect such real-time location data without first obtaining a search warrant authorizing the use of the device. Patron: R.G. Marshall

[HB 1606/SB 1217](#) Private police departments; definition

Amends §§ 2.2-3701 and 9.1-101 to define “private police department”, allow private police departments in existence on January 1, 2013 to continue and creates rules governing training and jurisdiction. Patrons: Garrett, Norment and Reeves.

[HB 1785](#) Campus police departments; sexual assault reporting

Amends § 23-234 to require that mutual aid agreements between a campus police force and a law-enforcement agency contain provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement to notify the local attorney for the Commonwealth within 48 hours of any investigation involving felony criminal sexual assault occurring on campus. The bill also requires MOU’s between institutions of higher

education that have security departments with local law enforcement. Patron: Massie

[HB 1808/SB 1184](#) Missing persons; search and rescue

Amends §§ 9.1-102 and 44-146.18; and adds § 15.2-1718.2 to provide that no local law-enforcement agency shall establish or maintain any policy that requires a waiting period before accepting a critically missing adult report and requires a local law-enforcement agency that receives such a report to initiate an investigation of the case within two hours of receipt. SB 1184. Patrons: Herring and McDougle

[HB 1833](#) Naloxone; administration by law-enforcement officers

Amends §§ 8.01-225 and 54.1-3408 to allow officers to possess naloxone and administer naloxone to a person who is believed to be experiencing or about to experience an opiate overdose. The bill provides civil immunity for such first responders, members of an emergency medical services agency, and law-enforcement officers for any personal injury that results from any act or omission in the good faith administration of naloxone. Patron: Gilbert

[HB 2009](#) Firearms, certain; law-enforcement certification

Adds § 18.2-295.1 to require that when certification of a chief law-enforcement officer is required by federal law for transfer of a firearm as defined in the National Firearms Act, such certification must be provided within 60 days if the applicant is not prohibited by law from receiving the firearm. Patron: LaRock

[HB 2112](#) DCJS; eliminates requirement for training standards for undercover work

Amends § 9.1-102 to eliminate the requirement that DCJS establish compulsory training courses for law-enforcement officers who have not completed the compulsory minimum training standards prior to assigning any such officer to undercover investigation work. Patron: Miller

[HB 2206/SB 1195](#) Conservators of the peace, special; application for appointment**

Amends §§ 9.1-150.2, 15.2-1748, and 19.2-13 to make various changes to the laws providing for the appointment of special conservators of the peace. The bill provides that any existing special conservator of the peace has 24 months to comply with any new compulsory, minimum, entry-level training standards and requirements established following his appointment. Patrons: Campbell and Norment

[HB 2222/SB 1360](#) Commonwealth's Attorneys Training Fund; established

Adds §§ 2.2-2619.1 and 51.1-124.37 to establish the Commonwealth's Attorneys Training Fund. Patrons: Jones and Norment

[HB 2235](#) HOT lanes; when law-enforcement vehicles may use

Amends § 33.2-500 to clarify the circumstances under which law-enforcement vehicles may use HOT lanes without paying a toll. Patron: Rust

[SB 845](#) Volunteer first responders; immunity from civil liability

Adds § 8.01-225.3 to provide that no volunteer firefighter or volunteer emergency services personnel shall be liable for any injury to persons or property arising out of the operation of an emergency vehicle when such volunteer is en route to respond to a fire or to render emergency care or assistance to any ill or injured person at the scene of an accident, fire, or life-threatening emergency. Patron: Stanley

[SB 936](#) Unclaimed firearms; donation to Department of Forensic Science

Amends §§ 15.2-1721, 30-34.2:2, and 52-11.5 to permit localities, the Capitol Police, and the State Police to donate unclaimed firearms to the Department of Forensic Science. The bill also extends from 60 to 120 days the period for which various law-enforcement agencies must retain unclaimed firearms before destroying or donating such firearms. Patron: Marsden

[SB 1049](#) Regional jails; reimbursement of capital costs

Amends §§ 53.1-80, 53.1-81, and 53.1-82 to reduce from one-half to one-fourth the maximum state reimbursement for capital costs for construction, enlargement, or renovation of regional jails and jails where there is a regional contract for cooperative jailing. The Commonwealth shall continue to reimburse up to one-half of the capital costs for (i) the enlargement or renovation of any regional jail created prior to July 1, 2015, and (ii) the construction, enlargement, or renovation of any regional jail approved by the Governor prior to such date. The bill also prohibits any project to construct, enlarge, or renovate a jail or jail facility that was not approved by the Governor prior to July 1, 2015, or created prior to such date, unless the project is specifically authorized in the general appropriation act. Patron: McDougle

[SB 1186](#) Naloxone; administration in cases of opiate overdose

Amends §§ 8.01-225 and 54.1-3408 to update rules for pharmacists dispensing naloxone or other opioid antagonist and allows firefighters and law-enforcement officers who have completed a training program to possess and administer naloxone. The bill also provides further information on civil damage immunity. Patron: Obenshain

[SB 1307](#) Search warrants; collection of evidence from computers, computer networks, or other device

Amends § 19.2-53 to clarify that a search warrant that authorizes the lawful seizure of digital evidence from a computer, computer network, or other device containing electronic or digital info includes the search and seizure of the physical components and the electronic or digital information. Patron: Wexton

[SB 1311](#) Prisoners; sheriff, etc., to notify victim as soon as practicable of transfer

Amends §§ 53.1-133.02 and 53.1-160 to require the sheriff, superintendent, or Department of Corrections to give notice to any

victim of the offense for which a prisoner was incarcerated as soon as practicable following the transfer of such prisoner. Patron: Deeds

Workers Compensation

[HB 1486/SB 770](#) Workers' compensation; exclusivity of remedy

Amends § 65.2-307 to provide that if the Workers' Compensation Commission or a court on appeal from the Commission makes a finding in an unappealed order based on an evidentiary hearing or a factual stipulation of the parties that the claim relating to an accident, injury, disease, or death did not arise out of or in the course of the employee's employment, then that finding shall be res judicata between the parties and estop them from arguing before a court that the accident is barred by the exclusivity provisions of the Workers' Compensation Act. The bill further sets out the notice provisions required in order for the court finding to be res judicata. Patrons: Habeeb and McEachin

[HB 1820](#) Workers' compensation; pecuniary liability of the employer for medical services, report

Amends § 65.2-605 to require the Virginia Workers' Compensation Commission to determine the number and geographic area of communities across the Commonwealth. The measure also requires the Commission to convene a work group of stakeholder representatives of employers, health care service providers, claimants, and insurers to advise and assist the Commission in (i) reviewing, analyzing, and comparing information contained within and reports on all possible databases containing workers compensation or healthcare data for medical services rendered in Virginia. Patron: Farrell

[HB 2384](#) Workers' compensation; electronic billing and payment

Amends § 65.2-605.1 to require the Workers' Compensation Commission to establish, by January 1, 2016, a schedule for employers and their insurance carriers to electronically

process claims for medical expenses incurred under the Virginia Workers' Compensation Act. The schedule would require electronic processing no earlier than July 1, 2016, and no later than December 31, 2018, based on a variety of factors to be considered by the Commission. Patron: Byron

Miscellaneous

HB 1553 Local notifications; locality may by ordinance establish system to deliver to residents by email

Adds § 15.2-925.1 to provide that any locality may by ordinance establish a system to deliver notifications to residents by email, phone, text message, or other similar means of communication. Such ordinance shall be adopted only after a public hearing and shall contain an opt-in provision for nonemergency notifications. Existing notification systems shall be deemed to meet the requirements of the bill. Patron: D.W. Marshall

HB 1751 APA; review by Joint Commission on Administrative Rules

Amends §§ 2.2-4007.04 and 30-73.3 requires that any economic impact analysis completed by the Department of Planning and Budget that reveals a proposed regulation would have an adverse economic impact on businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected, will require DPB to advise the Joint Commission on Administrative Rules, the House Committee on Appropriations, and the Senate Committee on Finance. Patron: Ransone

HB 2207 Broadband Advisory Council; increases membership

Amends § 2.2-2699.3 to increase from 11 to 14 the membership of the Broadband Advisory Council (the Council). The bill also directs the Division of Legislative Services to provide additional staff support to legislative members serving on the Council. Patron: Ransone

DEFEATED LEGISLATION

HB 1540 Virginia Public Procurement Act; job order contracting and cooperative procurement

Amends §, 2.2-4302.2, to clarify that public body is prohibited from requesting cost estimates for professional services during the discussion stage conducted prior to ranking offerors for sequential formal negotiation. Patron: Albo

HB 1646 Virginia Freedom of Information Act; proceeding for enforcement

Amends § 2.2-3713 to provide that in an enforcement action, if the court finds the public body violated certain meeting notice requirements, the court may invalidate any action of the public body taken at such meeting. Patron: Pogge

HB 1670 Sheriffs; always serving as chief law-enforcement officer of locality

Provided that sheriffs shall always serve as the chief law-enforcement officer of a locality. Patron: Berg

HB 1744 Local employee grievance procedure; final step in procedure adopted by local government

Amends §§ 15.2-1507, 22.1-309, 22.1-311, and 22.1-313 to require that the final step in an employee grievance procedure adopted by a local governing body, providing for a hearing before an administrative hearing officer or an impartial panel hearing, be selected by the aggrieved employee. Patron: Hugo

HB 1765 Sheriffs; immunity for actions of deputy

Provided that a sheriff shall not be liable for civil damages resulting from any act or omission by a deputy sheriff in the performance of his duties as a deputy sheriff. Patron: Loupassi

[HB 2142](#) Voting systems; use of direct recording electronic machines

Amends § 24.2-626 to prohibit the use of direct recording electronic (DRE) machines in elections on and after July 1, 2016, except for the express purpose of providing accessible voting equipment as required by law. Patron: Yancey

[HB 2223](#) Virginia Freedom of Information Act; willful and knowing violations of certain provisions, penalty

Adds § 2.2-3713.1 to provide that in addition to the civil enforcement provisions of FOIA, any officer, employee, or member of a public body who, without legal excuse or justification, deliberately, willfully, and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor. Patron: Morris

[HB 2336](#) Virginia Public Procurement Act; IT procurement; terms and conditions; limitation on liability

Adds § 2.2-4303 to provide that terms and conditions relating to the liability of a contractor contained in any solicitation for the procurement of information technology goods or services shall be reasonable and limited to an amount deemed necessary to protect the interests of the public body, which amount shall in no event exceed twice the value of the contract. Patron: Peace

[SB 827](#) Voting systems; use of direct recording electronic machines

Amends § 24.2-626 to prohibit the use of direct recording electronic (DRE) machines in elections on and after July 1, 2016, except for the express purpose of providing accessible voting equipment as required by law. Patron: Miller

[SB 974](#) State police training; reduction in local law-enforcement funding

Required localities to reimburse the Department of State Police for training costs if the locality hires an officer of the Department of State Police within five years of the officer's completion of basic training. Patron: Ruff

[SB 1026](#) Lobbyist disclosure; reporting by certain political subdivisions

Amends § 2.2-419; and adds § 2.2-421.1 to prohibit political subdivisions from using public funds to support lobbying efforts and requires funds used for lobbying to be segregated from public funds and held in a separate bank account. Patron: Garrett

Health and Human Resources

PASSED LEGISLATION

Behavioral and Mental Health

SB 1052 Developmental disabilities; definition

Amends § 37.2-100 of the Code of Virginia to define “developmental disability” as a severe, chronic disability of an individual that (i) is attributable to a mental or physical impairment, or a combination of mental and physical impairments, other than a sole diagnosis of mental illness; (ii) is manifested before the individual reaches 22 years of age; (iii) is likely to continue indefinitely; (iv) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and (v) reflects the individual’s need for a combination and sequence of special interdisciplinary or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated. Patron: Hanger

Comprehensive Services Act (CSA)

HB 2083/SB 1041 Community policy and management teams; policies governing referrals and reviews

Amends § 2.2-5206 of the Code of Virginia to direct community policy and management teams to establish, as part of their policies governing referrals and reviews of children and families to the family assessment and planning teams or a collaborative, multidisciplinary team process approved by the State Executive Council for Comprehensive Services for At-Risk Youth and Families, a process for parents and persons who have primary physical custody of a child to refer children in their care to the teams. Patrons: Peace and Hanger

HB 2141 Community policy and management teams; information sharing

Amends § 2.2-5210 of the Code of Virginia to change the term “community management and planning team” to the term “community policy and management team” (CPMT) in a section of the Code of Virginia relating to information sharing and confidentiality of information in cases being reviewed by a CPMT or family assessment and planning team, to be consistent with terminology used throughout the Code. Patron: Murphy

SB 1151 State and local advisory team; expands membership

Amends § 2.2-5201 of the Code of Virginia to expand membership of the state and local advisory team for the State Executive Council for Comprehensive Services for At-Risk Youth and Families to include (i) one parent representative who is not an employee of any public or private program that serves children and families and who has a child who has received services that are within the purview of the Comprehensive Services Act and (ii) one member from each of the five different geographical areas of the Commonwealth who is representative of one of the different participants of community policy and management teams pursuant to § 2.2-5205. Patron: Wexton

SB 850 Comprehensive Services Act for At-Risk Youth and Families; name change

Amends §§ 2.2-212, 2.2-2101, 2.2-2648, and other sections of the Code of Virginia to change the name of the Comprehensive Services Act for At-Risk Youth and Families to the Children’s Services Act. Patron: Favola

Disposition of Dead Bodies

SB 951 Dead bodies; disposition of remains or burial of decedent

Amends §§ 32.1-309.1, 32.1-309.2, 54.1-2800, and 54.1-2818.1 of the Code of Virginia to clarify the role of a person other than a decedent’s next of kin, a person designated to

make arrangements for the decedent's burial or the disposition of his remains, an agent named in an advance directive, or a court-appointed guardian to make decisions regarding the disposition of a decedent's remains. The bill defines "disposition" as the burial, interment, entombment, cremation, or other authorized disposition of a dead body. The bill also clarifies the definition of next of kin. Patron: Alexander

SB 1434 Dead bodies; disposition, identification of decedent

Amends §§ 32.1-309.1 and 32.1-309.2 of the Code of Virginia to provide that in cases in which the identity of a decedent and the county or city in which the decedent resided at the time of death are known, the person or institution having initial custody of the dead body shall notify the primary law-enforcement agency for the county or city in which the decedent resided of the decedent's death, and such law-enforcement agency shall make good faith efforts to identify and notify the decedent's next of kin. Currently, the primary law-enforcement agency for the county or city in which the person or institution having initial custody of the dead body is located is responsible for making good faith efforts to identify the decedent and notify the decedent's next of kin. Patron: Hanger

Social Services

HB 1918 Public assistance; local director of social services to determine eligibility

Amends §§ 63.2-503 and 63.2-514 of the Code of Virginia to require a local director of social services to verify the identity, income, and assets of and other information about an applicant for public assistance necessary to determine the applicant's eligibility for public assistance, consistent with federal law and regulations, for the purpose of eliminating the duplication of assistance, and deterring fraud and to deny public assistance in cases in which information provided by an applicant is inconsistent with information obtained by the local director. ThPatron: LeMunyon

SB 947 Foster care; removes certain requirement of Department of Social Services

Amends § 16.1-281 of the Code of Virginia to remove the provision requiring that the Department of Social Services create a separate section within a foster care plan that describes the reasons why a child cannot be returned home and the alternative chosen and allows such information to be sent to foster parents. Patron: Favola

Telemedicine

HB 2063 Telemedicine services; provision of health care services

Amends §§ 38.2-3418.16 and 54.1-3303 of the Code of Virginia to amend the definition of telemedicine services to encompass the use of electronic technology or media, including interactive audio or video, for the purpose of diagnosing or treating a patient or consulting with other health care providers regarding a patient's diagnosis or treatment. The measure also provides that for the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when certain conditions are met. This bill is identical to SB 1227. Patron: Kilgore

DEFEATED LEGISLATION

HB 659 Community services boards and behavioral health authorities; information about services available

Amends §§ 37.2-504 and 37.2-605; and adds § 22.1-217.2 to the Code of Virginia to require each community services board and each behavioral health authority to annually make a presentation to each local school board in the locality or localities that the community services board or the behavioral health authority serves regarding services available to students with emotional disability, intellectual

disability, or mental illness upon transition into the community after graduation from high school. Patron: Robert B. Bell

HB 780 Temporary Assistance for Needy Families (TANF) Program; distribution of benefits

Amends §§ 63.2-600 and 63.2-621 of the Code of Virginia to provide that the Department of Social Services shall distribute TANF benefits only in the form of debit cards or direct deposits into savings or checking accounts and prohibits the distribution of TANF benefits in the form of a paper check. The bill expands restrictions on the use of TANF cash benefits. Patron: Wilt

HB 1365 Discharge from state hospitals or training centers; local departments of social services

Amends § 37.2-837 of the Code of Virginia to change from mandatory to optional whether a local department of social services provides care for an individual who is discharged from a state hospital or training center because he is not a proper case for treatment. If the director of the appropriate local department of social services agrees to accept the individual for care, the provision of public assistance or social services to the individual is the responsibility of such local department of social services as determined by regulations adopted by the State Board of Social Services. Patron: Campbell

HB 1569 TANF; eligibility, drug-related felonies

Adds § 63.2-607.1 to the Code of Virginia to provide that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed a substance abuse treatment program, and participates in drug screenings. The bill provides that a person

who fails or refuses to participate in periodic drug testing or who tests positive for the use of illegal substances shall be ineligible to receive TANF benefits for a period of 12 months; however, the person is given one opportunity during the 12-month period to comply with the testing requirement and be reinstated to eligibility for TANF benefits. Patron: Orrock

HB 1929 Family day homes; licensure

Amends § 63.2-100 of the Code of Virginia to provide that the children of a family day home provider and any children who reside in the family day home where care is provided shall be included in determining the number of children receiving care for the purpose of licensure. Patron: Anderson

HB 2046/SB 818 Family day homes; licensure by Department of Social Services

Amends §§ 19.2-389, 19.2-392.02, 63.2-100, and other sections; and repeals § 63.2-1704 of the Code of Virginia to require all family day homes that provide care for one or more children for compensation to be licensed by the Department of Social Services. Currently, only family day homes providing care for six or more children must be licensed. The bill also provides that, for the purposes of determining the number of children receiving care, the provider's own children and any children residing in the home shall be counted. Patrons: Filler-Corn and Favola

HB 2305 Community services boards and behavioral health authorities; coordination of services for veterans

Amends §§ 37.2-504 and 37.2-605 of the Code of Virginia to require community services boards and behavioral health authorities to designate a member of staff to coordinate the delivery of mental health services, including crisis services, to veterans in cooperation with the Department of Veterans Services, U.S. Department of Veterans Affairs, and hospitals, centers, and other facilities or installations of the Department of Veterans Affairs. Patron: Filler-Corn

[HB 2380](#) Community services boards and behavioral health authorities; information for students

Adds §§ 22.1-217.2, 37.2-513, and 37.2-616 to the Code of Virginia to require school divisions to designate staff to receive training about services provided by the local community services board or behavioral health authority that will be available to students with intellectual disability or emotional disturbance upon graduation from, aging out of, or otherwise leaving public education and to meet with students and, where appropriate, their parents to provide such information. The bill also requires community services boards and behavioral health authorities to provide school divisions with information about available services and to ensure that at least one employee or representative of the board or authority is available, in person, to participate in meetings between local school division representatives and students and, where appropriate, their parents to discuss services that will be available to the student upon his graduating from, aging out of, or otherwise leaving public education. Patron: Robert B. Bell

[SB 802](#) TANF; State Board of Social Services to review annually

An uncodified act to require the State Board of Social Services to develop and implement a process for annually reviewing the amount of assistance paid to eligible recipients through the Temporary Assistance for Needy Families (TANF) program and indexing the amount of such payments in an amount equal to the percentage change in the Consumer Price Index for the year immediately preceding the year in which the review occurs. Patron: Favola

[SB 819](#) TANF eligibility; drug-related felonies

Adds § 63.2-607.1 to the Code of Virginia to provide that a person who is otherwise eligible to receive Temporary Assistance for Needy Families benefits shall not be denied such benefits solely because he has been convicted of a felony offense of possession of a controlled

substance, provided he is not using illegal drugs, complies with all obligations imposed by the criminal court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings. The provisions of the bill are contingent on funding in a general appropriation act. Patron: Favola

[SB 967](#) Extended Foster Care Services and Support Program; created

Amends §§ 16.1-241, 63.2-100, and 63.2-1302; and adds §§ 16.1-283.3, and 63.2-916 through 63.2-921 to the Code of Virginia to create the Extended Foster Care Services and Support Program to provide foster care services and support, including foster care maintenance payments, to qualifying individuals age 18 to 21 years who were formerly in the custody of a local board of social services. Patron: Favola

[SB 970](#) Child support; DSS to serve notice of administrative support order

Amends § 63.2-1916 of the Code of Virginia to allow the Department of Social Services to serve notice of an administrative support order, or a review of such order, by electronic means. Under current law, absent a formal waiver, notice must be served in accordance with the provisions of § 8.01-296, 8.01-327, or 8.01-329 or by certified mail, return receipt requested. Patron: Ruff

[SB 1291](#) Community policy and management teams; powers and duties, referral to family assessment

Amends § 2.2-5206 of the Code of Virginia to require community policy and management teams to establish a process for parents and caregivers to directly refer children in their care to family assessment and planning teams. Patron: Barker

[SB 1409](#) Community services boards; DBHDS to enter into agreements with certain health care providers

Adds § 37.2-804.3 to the Code of Virginia to require the Department of Behavioral

Health and Developmental Services to enter into agreements with health care providers experienced in the provision of emergency services for the provision of technical assistance and guidance to employees and designees of community services boards and behavioral health authorities who conduct evaluations for emergency custody and temporary detention and who provide other emergency services. Patron: Deeds

[SB 1410](#) Crisis intervention specialists; community services boards and behavioral health authorities

Amends § 37.2-809; and adds §§ 37.2-441, 37.2-442, and 37.2-513, and other sections to the Code of Virginia to provide for the certification of crisis intervention specialists and crisis intervention specialist licensed clinical supervisors. The bill also requires community services boards and behavioral health authorities to employ or contract with certified crisis intervention specialists for evaluations for emergency custody or temporary detention. Those provisions have a delayed effective date of July 1, 2020. The bill also requires the Department of Behavioral Health and Developmental Services to develop an implementation plan and timetable for the implementation of the provisions of this bill by January 1, 2016. Patron: Deeds

Transportation

PASSED LEGISLATION

Road Maintenance/Funding

HB 1827 Routine highway maintenance projects; exemption from erosion and sediment control requirements

Amends § 62.1-44.15:52 of the Code of Virginia to exempt routine highway maintenance projects of the Virginia Department of Transportation from the requirements of the Erosion and Sediment Control Act, including the reduction of flow runoff rates. This exemption is consistent with the exemption for similar routine highway maintenance projects under the Stormwater Management Program. Patron: Scott

HB 1886 Public-Private Transportation Act; establishes requirement for finding of public interest

Amends §§ 33.2-1803 and 33.2-1820; and adds § 33.2-1803.1 and 33.2-1803.2 to the Code of Virginia to establish the requirements for a finding of public interest and requires such a finding prior to an initiation of procurement. The bill also establishes the Transportation Public-Private Partnership Advisory Committee to determine by a majority vote whether a VDOT or Department of Rail and Public Transportation project meets the finding of public interest and to report such determination to the General Assembly. The bill also requires certification of the finding prior to the execution of a comprehensive agreement and requires the public-private partnership guidelines to incorporate the finding. The bill also requires VDOT to establish (i) a process for identifying high-risk projects and (ii) procurement processes and guidelines for such projects to ensure that the public interest is protected. Patron: Jones

HB 1887 Commonwealth Transportation Board; membership, funding, updates annual reporting, and allocations

The bill adds to transportation funding

considerations the state of good repair purposes along with asset management practices and maintenance and requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements. The bill establishes the high-priority projects program and the highway construction district grant program and replaces the \$500 million annual allocation made by the CTB and the 40-30-30 allocation formula to the primary, secondary, and urban highways with a new 40-30-30 allocation of funds to state of good repair purposes, high-priority projects, and highway construction district grants. The bill also reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also removes the definition of “grant” from the Virginia Transportation Infrastructure Bank and excludes grants from other financing, thereby removing the ability of a governmental entity to apply for a grant. The bill also allows the CTB to make transfers from the Toll Facilities Revolving Account to the Virginia Transportation Infrastructure Bank. Further, the bill authorizes the Department of Rail and Public Transportation to enter into agreements not to exceed 20 years under the Public-Private Transportation Act to improve passenger rail service with private entities that finance improvements in return for annual payments. Patron: Jones

HB 1891 Capital outlay plan; creates a six-year plan

An uncodified act to revise the six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources. The bill is identical to SB 1042. Patron: Jones

HB 2391 Highway funds; allocation by the Commonwealth Transportation Board

Amends § 33.2-358 of the Code of Virginia

to provide that the five percent of moneys allocated annually by the Commonwealth Transportation Board currently dedicated to paving of unpaved highways carrying more than 50 vehicles per day will instead be allocated for paving or improving such highways. This bill has a delayed effective date of July 1, 2016. Patron: Minchew

[SB 792](#) Secondary state highway system; expands number of streets eligible to be taken into system

Amends § 33.2-335 of the Code of Virginia to expand the number of streets eligible to be taken into the secondary state highway system by changing the definition of “street” from including streets that were opened to public use and used by motor vehicles prior to July 1, 1992, to streets that have been open to public use and used by motor vehicles for at least 20 years. Patron: Carrico

[SB 1312](#) Private roads; covenants, government maintenance and improvements

Adds § 55-50.4 to the Code of Virginia to provide that notwithstanding any provision of a recorded deed or plat to the contrary, a private road serving a subdivision of 50 or fewer lots may be dedicated for public use and may be taken into the secondary state highway system, if the owner of the fee interest in such private road obtains the written consent of every lot owner in the subdivision whose lot is served by the private road and the holder of any restrictive covenant or easement rights over and concerning the private road prior to making such dedication and before requirements for acceptance of the road into the secondary state highway system are met. Such consent shall be recorded in the land records of the clerk’s office of the circuit court of the county wherein the private road is located. Patron: Lewis

Photo Monitoring

[HB 1355](#) Photo monitoring; use of systems to enforce traffic light signals, appeals

Amends §§ 15.2-968.1 and 16.1-106 of the Code of Virginia to provide that an operator of a motor vehicle found in violation of an ordinance created to enforce photo-monitoring systems for traffic lights has a right to appeal to the circuit court in a civil proceeding. The bill also reduces from \$50 to \$20 the amount of the matter in controversy above which an appeal of right exists in a civil case. Patron: Ramadan

Transportation Network Companies

[HB 1662](#)/[SB 1025](#) Transportation network companies

Amends §§ 46.2-694, 46.2-711, 46.2-749.5, and other sections; and adds §§ 46.2-2099.45 through 46.2-2099.53 to the Code of Virginia to establish a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including a national criminal background check, a driving history report, and status on the state and national sex offender registries. The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured; have a maximum seating capacity of no more than seven persons, excluding the driver; be registered with DMV for TNC use; and display TNC and DMV identification markers. The bill further requires that TNC drivers be covered by a specific liability insurance policy and specifies the nature and limits of the insurance coverage. The bill also imposes several other operational requirements, including requirements that

the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers. The bill authorizes DMV to conduct periodic reviews of TNCs to confirm compliance and authorizes fees to cover DMV's costs of administering the program, an initial TNC license fee of \$100,000 and an annual license renewal fee of \$60,000. The bill requires DMV to review the fee structure and report by December 1, 2016. Patrons: Rust and Watkins

DEFEATED LEGISLATION

[HB 1371](#) Rural Rustic Roads; designating certain streets discontinued for maintenance prior to July 1, 1992

Amends § 33.2-335 of the Code of Virginia to allow the designation of certain streets discontinued for maintenance prior to July 1, 1992, as Rural Rustic Roads. Patron: Webert

[HB 1933](#) Transportation network companies; regulation by DMV

Adds §§ 46.2-2067.1 through 46.2-2067.14 to the Code of Virginia to provide for the regulation of transportation network companies by the Department of Motor Vehicles. Patron: Anderson

[HB 1981/SB 1102](#) Transportation network companies (TNCs); licensing process by DMV, report

Amends 46.2-711, 46.2-749.5, 46.2-753, 46.2-755, and other sections; and adds §§ 46.2-2099.45 through 46.2-2099.52 to the Code of Virginia to establish a process for the licensing of transportation network companies (TNCs) by the Department of Motor Vehicles (DMV), provided that TNCs comply with the requirements for licensure. The bill requires TNCs to screen drivers (TNC partners), ensure that all drivers are at least 21 years old and properly licensed to drive, and conduct background checks on all drivers including criminal background, driving history, and status on the sex offender registry. The bill also requires that TNC partner vehicles be titled and registered personal vehicles; be insured;

and have a maximum seating capacity of no more than seven persons, excluding the driver. The bill further requires that TNC drivers be covered by a specific liability insurance policy. The bill also imposes several other operational requirements, including requirements that the TNC provide a credential to the driver and disclose information about the TNC partner and TNC policies to passengers, and specifies the nature and limits of the insurance coverage. The bill authorizes DMV to conduct periodic reviews of the TNC to confirm compliance and authorizes fees to cover DMV's costs of administering the program, including an initial TNC license fee of \$70,000 and an annual TNC license renewal fee of \$3,000. The bill requires DMV to review the fee structure and report by December 1, 2016. Patrons: Hugo, Obenshain, Marsden

[HB 2022](#) Photo-monitoring systems; traffic light signals

Amends § 15.2-968.1 of the Code of Virginia to replace the word "summons" with "notice of violation" to reflect the established practice of localities relating to violations of traffic light signals. Patron: BaCote

[HB 2163](#) Photo-monitoring systems; for traffic light enforcement

Amends § 46.2-208; and repeals § 15.2-968.1 of the Code of Virginia to repeal the authority for localities to operate a photo-monitoring system for traffic light enforcement, colloquially known as a "photo red" program. Patron: Cline

[HB 2175](#) Photo-monitoring systems; use to enforce traffic light signals, appeals

Amends § 15.2-968.1 of the Code of Virginia to provide that operators found in violation of ordinances created to enforce photo-monitoring systems for traffic lights have a right to appeal to the circuit court in a civil proceeding. Patron: Jannou

[HB 2249](#) Photo-red systems; intersections where traffic light enforcement systems are in use

Amends § 15.2-968.1 of the Code of Virginia

to clarify that intersections where “photo-red” traffic light enforcement systems are in use must be conspicuously marked to notify motorists. Patron: Preston

[HB 2294](#) Public-Private Transportation Act of 1995; comprehensive agreements

Amends § 33.2-1808 of the Code of Virginia to require comprehensive agreements between the responsible public entity and a private entity to be approved by both houses of the General Assembly. Patron: Joannou

[HB 2296](#) Tolling authority; approval by General Assembly before collecting or imposing tolls

Adds § 33.2-117 to the Code of Virginia to require approval by the General Assembly before the imposition or collection of tolls or user fees on any interstate, primary, or secondary highway, on any project undertaken pursuant to the PPTA, or by the HRTAC, NVTA, or RMTA. Patron: Joannou

[HB 2340](#) Public-Private Transportation Act of 1995; powers and duties of the private entity

Amends §§ 33.2-1807, 33.2-1808, 33.2-1809, and other sections of the Code of Virginia to require State Corporation Commission approval to impose tolls and user fees and for a responsible public entity to enter into comprehensive and interim agreements with private entities. Patron: R.G. Marshall

[SB 606](#) Secondary highway system; withdrawal of county from system

Amends §§ 33.1-23.5:1 and 33.1-46.3 of the Code of Virginia to allow lane-mile payments of \$12,529 for a county with a charter that borders four cities, which elects to withdraw from the secondary system after June 30, 2014. The bill also allows the Commissioner of Highways to enter into agreements with such counties that withdraw for traffic control. Patron: Watkins

[SB 756](#) Traffic light signal photo-monitoring systems; referenda

Amends § 15.2-968.1; and adds 15.2-968.2 to the Code of Virginia to provide that localities who wish to enact an ordinance providing for the use of traffic light signal photo-monitoring systems must first have voter approval by a referendum. The bill also provides that those localities that have already enacted such ordinances must also provide for a referendum and must repeal their ordinance if not approved by the voters. Patron: Black

[SB 797](#) Photo-monitoring systems; enforcement

Amends §§ 15.2-968.1 and 19.2-76.2 of the Code of Virginia to establish a procedure by which the operator of a traffic light signal violation monitoring system will mail a “notice of violation” to the alleged violator. If the matter is not resolved within 45 days from the mailing of the notice of violation, a summons may be executed and the matter may be enforced in court. Existing provisions for contesting the matter by filing an affidavit stating that the person was not the operator of the vehicle or by so testifying in court are retained. Patron: Locke

[SB 1159](#) Highway projects; Commonwealth Transportation Board to develop a life-cycle cost analysis

Adds § 33.2-214.2 to the Code of Virginia to require the Commonwealth Transportation Board to develop a life-cycle cost analysis for all primary highway projects approved by the Board for which the total cost of initial construction exceeds \$500,000. The bill requires the analysis to include the total initial cost of the project and projected future maintenance costs and requires the Board to make project decisions accordingly. Patron: Edwards

[SB 1216](#) Transportation network companies; penalties

Adds §§ 46.2-2067.1 through 46.2-2067.14 to the Code of Virginia to provide for the regulation of transportation network companies by the Department of Motor Vehicles. Patron: Stanley

[SB 1274](#) State highways; allocation of funds

Amends § 33.2-358 of the Code of Virginia to allocate 10 percent of state revenues allocated to state secondary highways for use in reconstructing deteriorated state secondary highway pavements. The bill reduces from 25 to 20 percent the share of such revenues currently allocated to bridge reconstruction and rehabilitation and reduces from 15 to 10 percent the share of such revenues currently allocated to projects undertaken pursuant to the Public-Private Transportation Act of 1995. Patron: Barker

[SB 1353](#) Virginia Highway Corporation Act of 1988; toll rate increases by State Corporation Commission

Amends § 56-542 of the Code of Virginia to remove the provisions within the Virginia Highway Corporation Act of 1988 requiring the State Corporation Commission to approve toll increases upon request by an operator that are equal to one percent over and above the increase in the consumer price index or equal to the increase in the real gross domestic product from the date the Commission last approved a toll increase. The bill retains provisions requiring toll increases equal to the increase in the consumer price index from the date the Commission last approved a toll increase or equal to 2.8 percent, whichever is greater. Patron: Black

Studies and Other Resolutions Passed

[HJ 586](#) Voluntary mental health screenings for students in public elementary schools; report

Requests that the Department of Behavioral Health and Developmental Services (i) identify one or more appropriate mental health screening tools, (ii) identify one or more school divisions in which the parents of each student shall be notified of the availability of such mental health screening tools and may give permission for their child to participate in a mental health screening, (iii) analyze the (a) number and type of mental illness diagnoses, (b) additional in-school services provided to diagnosed students as a result of such screenings, and (c) most appropriate grade level for the administration of such screenings, and (iv) report its findings to the Governor and General Assembly by November 30, 2016. Patron: Yost

[HJ 587](#) Impact of stormwater regulations on high water table area; report

Requests the Department of Environmental Quality to conduct a two-year study of the application of the post-development stormwater management technical criteria, as established in the Virginia Stormwater Management Regulations, in areas with a seasonal high groundwater table. Patron: DeStaph

[HJ 623/SJ 272](#) JLARC to study groundwater resources; report

Directs the Joint Legislative Audit and Review Commission to study Virginia's water resource planning and management, particularly with regard to groundwater. Patrons: Hodges and Norment

[SJ 218](#) Department of Education; teacher turnover; report

Requests the Department of Education to study the feasibility of implementing a program in

the Commonwealth to track teacher turnover by developing exit questionnaires and other means. Patron: Howell

[SJ 235](#) Virginia Housing Commission; funding for the Virginia Housing Trust Fund; report

Directs the Virginia Housing Commission to study methods to evaluate and determine a dedicated revenue source for the Virginia Housing Trust Fund. Patron: Watkins

[SJ 242](#) Virginia Economic Development Partnership Authority and the Department of Housing and Community Development; programs supporting existing high-growth companies; report

Requests the Virginia Economic Development Partnership Authority and the Department of Housing and Community Development to jointly study the feasibility of incorporating programs to support existing high-growth companies into the state's current economic development programs and activities. Existing high-growth companies are privately held enterprises with high potential for growth that (i) employ fewer than 100 employees, (ii) generate annual revenues of \$50 million or less, and (iii) have moved beyond the startup phase of business development to become established businesses within the local and regional community. This bill is a recommendation of the Small Business Commission. Patron: Ruff

[SJ 268](#) Pathways for determining eligibility for Medicaid-funded long-term care; report

Directs the Joint Legislative Audit and Review Commission to study pathways for determining eligibility for Medicaid-funded long-term care. In conducting its study, JLARC shall review (i) the Commonwealth's long-term care preadmission screening process, including the process by which individuals access such screenings, the timeliness of such screenings, support for individual choice upon meeting long-term care criteria, and assurance that the assessment teams are neutral and have no financial or legal ties to discharge locations and

(ii) state and federal long-term care financial eligibility laws, including the use of annuities to protect assets, transfer of assets, lien and estate recovery, assessing a child as a family of one for eligibility purposes, and the effects of the new Modified Adjusted Gross Income eligibility standards and access to nursing home care services. The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2016. Patron: Hanger

[SJ 274](#) Joint Legislative Audit and Review Commission to update its 2006 study of the impact of regulations on Virginia's manufacturing sector; report

Directs JLARC to update its 2006 study of the impact of regulations on Virginia's manufacturing sector. Patron: Wagner

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To read the full text of legislation mentioned in this summary, as well as the legislative history and votes on individual bills, visit the Division of Legislative Services' at lis.virginia.gov.



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VACo exists to support county officials and to effectively represent, promote and protect the interests of counties to better serve the people of Virginia.