

Agenda and Documents
Legislative Committee Meeting
January 25, 2019

Legislation Requiring Further Review, Staff “Watch List” and Legislation Provided for Information

V. Legislation Requiring Further Review

HB 1647 (Bourne) (HGL) prohibits any locality, its employees, or its appointed commissions from discriminating (i) in the application of local land use ordinances or guidelines; (ii) in the permitting of housing developments on the basis of race, color, religion, national origin, sex, elderliness, familial status, or handicap; or (iii) in the permitting of housing developments because the housing development contains or is expected to contain affordable housing units occupied or intended for occupancy by families or individuals with incomes at or below 80 percent of the median income of the area where the housing development is located or is proposed to be located. The bill also requires the Fair Housing Board, after determining the existence of an unlawful discriminatory housing practice and after consultation with the Attorney General, to immediately refer the matter to the Attorney General for civil action. (19101030D)

HB 2305 (Leftwich) (HCCT) sets out sections in Title 15.2 that are currently carried by reference only. Locality descriptions are replaced with locality names, and various technical amendments are made. This bill is a recommendation of the Virginia Code Commission. (19104295D)

SB 1638 (Boysko) (SCT) alters the requirements for newspapers that may be used for legal notices and publications by (i) changing the publication and circulation requirement from 24 consecutive weeks to at least 50 of the preceding 52 weeks and requiring such publication be in printed form; (ii) requiring that such a newspaper provide general news coverage of the area in which the notice is to be published; (iii) requiring that such newspaper publish the United States Postal Service Statement of Ownership in such newspaper at least once per calendar year and maintain a copy for inspection; and (iv) have a list consisting of a number of paying or requesting subscribers that is equal to or greater than five percent of the households in the jurisdiction where a notice is to be published. The bill further provides that a newspaper that lacks a periodicals permit issued by the United States Postal Service or does not meet the subscriber threshold may petition the circuit court for the jurisdiction in which such notices or publications are to be published, as opposed to where such newspaper is located as current law requires, for the authority to be certified as a newspaper of general circulation. The bill further allows a locality that determines that no newspaper published in such locality otherwise meets the requirements that enable it to be a newspaper for the use of such notices and publications to petition the circuit court in the jurisdiction in which such notices and publications are to be published for the authority to be published in another medium. The bill specifies that such petition shall not be filed without majority approval of the locality's local governing body. The bill requires that any newspaper authorized to publish such notices and publications shall also (a) print such notices and publications in a prominent location in such newspaper with an identifying heading printed in boldface letters no smaller than 24-point type and (b) maintain at least three years' worth of print archives of such newspaper and make such archives available for public inspection. The bill further requires that a newspaper shall post a notice on the newspaper's website, if such a website is

published by such newspaper, and on a searchable, statewide repository website established and maintained as a joint venture of the majority of Virginia newspapers as a repository for such notices. The bill provides that any notice published on a website shall be accessible to the public at no charge. (19104525D)

Animals

SB 1025 (Spruill) (Senate Floor) provides that outdoor tethering of a companion animal does not meet the requirement that an animal be given adequate shelter, unless the animal is actively engaged in an agricultural or hunting activity, when tethering is conducted (i) when the temperature is 32 degrees Fahrenheit or lower, or 85 degrees Fahrenheit or higher; (ii) during a heat advisory; or (iii) during a severe weather warning. The bill provides that a tether meets the requirement that an animal be given adequate space if the tether is four times the length of the animal or 15 feet in length, whichever is greater, and does not cause injury or pain, weigh more than one-tenth of the animal's body weight, or have weights or heavy objects attached to it. Current law provides that the tether be three times the length of the animal. The bill exempts agricultural animals from existing provisions related to tethering. The bill also authorizes any locality to adopt ordinances that parallel and make more stringent the state law regarding the care of companion animals. (19100082D-E)

Courts

HB 1741 (Bulova) (HCT) provides that any person who (i) knowingly makes or causes to be made any false statement in writing or fails to disclose any material fact concerning the financial means or ability to pay for the purpose of procuring aid and benefits under any local, state, or federally funded housing assistance program or (ii) knowingly fails to disclose a change in circumstances in order to obtain or continue to receive aid or benefits under such program or who knowingly aids and abets another person in the commission of any such act is guilty of larceny. If the amount of the aid or benefits obtained is \$500 or more, such person is guilty of grand larceny, which is punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years or, in the discretion of the jury or a court trying the case without a jury, confinement in jail not exceeding 12 months or a fine of not more than \$2,500, either or both. If the amount of the aid or benefits obtained is less than \$500, such person is guilty of petit larceny, which is a Class 1 misdemeanor. Under current law, such actions are punishable as a Class 1 misdemeanor regardless of the amount of the aid or benefits obtained. (19103572D)

HB 1767 (Jones, J.C.) (House Floor) adds parents who receive support or services from the deceased to the primary list of beneficiaries who may receive a distribution of wrongful death damages. (19104764D-H1)

SB 1543 (Surovell) (Reported from SCT) adds the parents of the deceased who received support or services from the deceased to the first class of beneficiaries to whom a distribution of an award of damages in a wrongful death action shall be made. (19104847D-S1)

HB 1799 (Heretick) (HCT) eliminates the accrual of interest on any fine or costs imposed in a criminal case or in a case involving a traffic infraction. The bill provides that any such fine or costs

that have accrued interest prior to July 1, 2019, shall cease to accrue interest on July 1, 2019, and such accrued interest may be waived by any court. A person who owes fines and costs on which interest has accrued may move any court in which he owes fines and costs to waive the interest that accrued on such fines and costs and shall have such interest waived for any period of incarceration. (19100099D)

HB 1944 (Campbell, J.) (HCT)/**SB 1542** (Surovell) (Passed Senate) sets out the factors to be considered by the court in its determination of a person's indigency for the purpose of not being required to pay fees or costs in a civil action. The bill also provides that a person is presumed unable to pay if he is a current recipient of a state or federally funded public assistance program or he is represented by a legal aid society. The bill provides that the presumption is rebuttable except in the case of a no-fault divorce. (19101359D, 19105303D-S1)

HB 1954 (Campbell, J.) (House Floor) provides that in a judicial proceeding brought under the Uniform Power of Attorney Act commenced on or after July 1, 2019, the court may award costs and expenses, including reasonable attorney fees, to any party, to be paid by another party or from the principal's property. (19104514D-H1)

HB 2199 (Collins) (HCT) provides that, in a hearing on a preliminary removal order or preliminary protective order for a child, all relevant and material evidence helpful in determining whether such order may be issued by the court may be admitted by the court even though such evidence may not be competent in a final dispositional hearing. (19103717D)

HB 2289 (Leftwich) (House Floor) provides that, where a matter is pending in either the general district court or the circuit court, upon motion of the plaintiff seeking to amend the amount of the claim, the court shall order transfer of the matter to the court having jurisdiction over the claim without requiring a dismissal of the claim or a nonsuit. The bill further provides that, where such an amended claim provides the general district court and the circuit court with concurrent jurisdiction over such a claim, the court shall transfer the matter to either the general district court or the circuit court, as directed by the plaintiff, provided that such court otherwise has jurisdiction over the matter. (19101784D)

HB 2317 (Aird) (HCT) provides that in custody and visitation cases in which a history of family abuse has been considered, at the request of either party, the court may order a law-enforcement officer to be present at the exchange of a child pursuant to a custody or visitation order. (19103599D)

HB 2675 (Tyler) (HCT) requires a general district court clerk to file, process, and issue for service of process any pleading initiating a civil action in the general district court within 14 days of receipt of such pleading. (19104383D)

HB 2753 (Watts) (HCT) provides that no seller or person acting for him shall make or attempt to make a home solicitation sale (i) to any person on property where he knows or reasonably should know that such person resides in a dwelling unit at which a no soliciting sign is posted at a place where it may be reasonably seen or (ii) to any person who has informed such seller or person acting

for him that he does not wish to receive a home solicitation. A violation of this provision is punishable as a Class 1 misdemeanor. (19104676D)

HB 2773 (Bell, Robert B.) (HCT) increases the amount that may be awarded to a crime victim for total loss of earnings resulting from incapacity from 66-2/3 percent to 100 percent of such victim's average weekly wages and removes the current \$600 limit placed on such award. The bill also increases from \$5,000 to \$10,000 the maximum amount a claimant may be awarded from the Criminal Injuries Compensation Fund for expenses directly related to funeral or burial costs and increases from \$25,000 to \$35,000 the maximum aggregate award received by a claimant as a result of an injury or death. (19102633D)

HB 2806 (LaRock) (HCCT) requires each locality to codify all ordinances, in permanently bound or loose-leaf form or in an online format so as to be easily accessed by other governmental entities and the public. The bill provides that any person who is the subject of an action brought by a locality for violation of an ordinance is entitled to assert as an affirmative defense that the ordinance was not codified and therefore failed to provide adequate notice to the public of the contents of the ordinance. (19102462D)

HJ 687 (Keam) (HRUL) requests that the Office of the Executive Secretary of the Virginia Supreme Court study options and models for a tax court system in the Commonwealth, including the tax court systems of other states, as well as options and models provided by research organizations. The Office of the Executive Secretary shall report its findings to the members of the General Assembly by the first day of the 2020 Regular Session. (19103680D)

SB 1019 (Marsden) (Senate Floor) requires a court, in assessing whether a case regarding child custody, visitation, or support is appropriate for referral to mediation, to consider whether such case can be heard by the court within 120 days of the filing of an initial petition. The bill provides that if a case cannot be heard by the court within 120 days and is otherwise deemed appropriate for referral, such case shall be referred. (19105300D-S1)

SB 1139 (Favola) (Senate Floor) requires the court to consider the appropriateness of a written post-adoption contact and communication agreement entered into in any case in which a child has been placed in foster care as a result of court commitment, an entrustment agreement or other voluntary relinquishment by the parent or parents, or in cases in which there is voluntary consent to the adoption of the child at a permanency planning hearing. Under current law, such consideration is discretionary. The bill further requires, for agency adoptions, the agency authorized to place the child for adoption to inform the birth and adoptive parents of a child that they may enter into a written post-adoption contract and communication agreement. The bill further requires a circuit court to approve a post-adoption contact and communication agreement authorized or entered into unless certain determinations are made or certain factors are present. Currently, such approval is discretionary and requires both that certain factors be present and for certain determinations to be made by the court in order for such agreement to be approved. (19105184D-S1)

SB 1150 (DeSteph) (Passed Senate; HCT) provides that a magistrate may not issue an arrest warrant for a misdemeanor offense where the accused is a law-enforcement officer and the alleged

offense arises out of the performance of his public duties upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency. The bill provides for the appointment of an attorney for the Commonwealth from outside the jurisdiction if a conflict of interest exists for the attorney for the Commonwealth having jurisdiction. (19100889D)

SB 1309 (Edwards) (SCT) provides civil immunity to an employer who makes a report to a potential employer or law-enforcement agency of violent or threatened violent behavior, as defined in the bill, by an employee or former employee, provided that such a report was made in good faith and with reasonable cause to make such report. The bill further provides immunity to a potential employer who receives such a report and takes reasonable action in good faith to respond to the violent or threatened violent behavior noted in such report. The bill further provides that the court shall award reasonable attorney fees and costs to any employer or potential employer who has a suit dismissed against him pursuant to the immunity provided to him. (19102632D)

Driver's License Suspension

HB 2059 (Carr) (HCT)/**SB 1667** (Dance) (SCT) provides that an individual who is delinquent in child support payments or has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings is entitled to a judicial hearing if he makes a written request within 30 days from service of a notice of intent to suspend or renew his driver's license. Current law provides such an entitlement if such request is made within 10 days from such notice. The bill further allows the Department of Motor Vehicles to renew a driver's license or terminate a license suspension imposed on an individual if such individual has reached an agreement with the Department of Social Services to satisfy the child support payment delinquency within a 15-year period, an increase of five years over the period allowed under current law, and has made at least one payment of at least five percent of the total delinquency or \$600, whichever is less, as opposed to whichever is greater under current law, under such agreement. The bill further provides that, where such a repayment agreement has been entered into and such an individual has failed to comply with such agreement, the Department of Motor Vehicles shall suspend or refuse to renew such individual's driver's license until it has received certification from the Department of Social Services that such individual has entered into a subsequent agreement to pay within a period of 10 years, an increase of three years over the period allowed under current law, and has paid the lesser amount, as opposed to greater amount under current law, of at least one payment of \$1,200 or seven percent, as opposed to five percent under current law, of the current delinquency. The bill provides that an individual who fails to comply with such a subsequent agreement may enter into a new agreement if such individual has made a payment in the lesser amount, as opposed to the greater amount under current law, of \$1,800 or 10 percent, as opposed to five percent under current law, and agrees to a repayment schedule of not more than seven years, which is consistent with the timeframe provided by the current law. (19101815D, 19103983D)

SB 1013 (Stanley) (Senate Floor) repeals the requirement that the driver's license of a person convicted of any violation of the law who fails or refuses to provide for immediate payment of fines or costs be suspended. The bill also removes a provision allowing the court to require a defendant to present a summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs. The bill requires the Commissioner of the

Department of Motor Vehicles to return or reinstate any person's driver's license that was suspended prior to July 1, 2019, solely for nonpayment of fines or costs, provided that such person has paid the applicable reinstatement fee. (19104813D-S1)

SB 1613 (Ebbin) (Senate Floor) removes the existing provisions that allow a person's driver's license to be suspended (i) when he is convicted of or placed on deferred disposition for a drug offense and (ii) for violations not pertaining to the operator or operation of a motor vehicle. (19103734D)

Protective Orders

HB 2417 (Herring) (House Floor) requires any emergency protective order to prohibit (i) the respondent from committing acts of family abuse or criminal offenses that result in injury to person or property and (ii) such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person, including prohibiting the respondent from being in the physical presence of the allegedly abused person or family or household members of the allegedly abused person, as the judge or magistrate deems necessary to protect the safety of such persons. Under current law, a judge or magistrate must only impose one or more of such prohibitions when issuing an emergency protective order. Other conditions that may be imposed under current law remain under the discretion of the judge or magistrate. The bill also allows the petitioner of an emergency protective order to file a motion with the court requesting a hearing to dissolve or modify the order.

Education/Schools

HB 2053 (McQuinn) (HED) changes the name of guidance counselors to school counselors and requires school boards to employ school counselors in accordance with the following ratios: (i) effective with the 2019-2020 school year, in elementary schools, one hour per day per 75 students, one full-time at 375 students, one hour per day additional time per 75 students or major fraction thereof; in middle schools, one period per 65 students, one full-time at 325 students, one additional period per 65 students or major fraction thereof; in high schools, one period per 60 students, one full-time at 300 students, one additional period per 60 students or major fraction thereof; (ii) effective with the 2020-2021 school year, in elementary schools, one hour per day per 60 students, one full-time at 300 students, one hour per day additional time per 60 students or major fraction thereof; in middle and high schools, one period per 55 students, one full-time at 275 students, one additional period per 55 students or major fraction thereof; and (iii) effective with the 2021-2022 school year, in elementary, middle, and high schools, one hour per day per 50 students, one full-time at 250 students, one additional hour per day per 50 students or major fraction thereof. (19102240D)

School Resource Officers

HB 2734 (Bourne) (HCT) directs the Department of Criminal Justice Services (Department) to establish compulsory minimum training standards for law-enforcement officers serving as school resource officers that shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict

resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of cultural diversity and implicit bias; (vii) working with students with disabilities, behavioral health or substance abuse disorders, or trauma experiences; and (viii) student behavioral dynamics, including child and adolescent development. The bill also directs the Department, in consultation with the Department of Education and the Virginia State Crime Commission, to include such similar minimum training standards for school security officers. The bill requires each school board to ensure that every public school employs at least one school administrator who has attended school safety training conducted by the Virginia Center for School and Campus Safety in school safety, anti-bullying tactics, and effective identification of students who may be at risk for violent behavior and are in need of special services or assistance. (19104134D)

SB 1130 (Locke) (SEH)/**SB 1299** (Barker) (SEH) requires each school resource officer to be trained and certified by the Virginia Center for School and Campus Safety. The bill expands the topics on which school security officers are required to be trained. The bill also requires any school board that agrees to place school resource officers in any school in the school division and the relevant local law-enforcement agency to establish and annually review and update a memorandum of understanding (MOU) governing the use and duties of school resource officers, and ensure that all relevant parties receive initial and ongoing training on the contents of such MOU. (19102420D, 19102735D)

Elections

HB 2034 (McGuire) (HPE) provides for the removal of a general registrar by the circuit court upon a petition signed by a majority of the members of the State Board of Elections or a majority of members of the local electoral board. Currently, a local electoral board may remove a general registrar with a majority vote, while the State Board of Elections may petition the circuit court to remove a general registrar only after petitioning the local electoral board to remove the registrar and the electoral board fails to do so. The bill requires the Virginia Division of Risk Management to assign counsel to the defense of any member of a local electoral board or general registrar subject to a petition for removal, upon that member's or registrar's application. (19105130D)

HB 2048 (McGuire) (HPE) changes the date of the primary election held in June from the second Tuesday in June to the third Tuesday in June. The bill also changes candidate filing deadlines to reflect the change of date to the June primary. The bill changes the date of the general election held in May from the first Tuesday in May to the second Tuesday in May. The bill does not change candidate filing deadlines associated with the May general. (19100320D)

HB 2178 (Sickles) (HPE)/**HB 2787** (Rush) (HPE) directs the State Board of Elections to promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information. The local electoral boards are also required to develop and update annually written plans and procedures to ensure the security and integrity of the supporting technologies. The local electoral boards are further required to report annually to the Department of Elections on its security plans and procedures. The bill authorizes the Department of Elections to limit a locality's access to the Virginia voter registration system if it is determined that the county or city has failed to develop security plans and procedures or to comply with the

security standards established by the State Board; such access would be limited as necessary to address and resolve any security risks or to enforce compliance. Records describing protocols for maintaining the security of the Virginia voter registration system and the supporting technologies utilized to maintain and record registrant information are exempted from the Freedom of Information Act and meetings to discuss those protocols are permitted to be closed pursuant to the provisions of the Freedom of Information Act. (19101864D, 19105273D)

HB 2774 (Tran) (HPE) requires the State Board of Elections to prescribe, and a covered locality to provide, voting and election materials in languages other than English. A county, city, or town is designated by the State Board as a covered locality if the State Board determines, in consultation with the Director of the Census, based on the 2010 American Community Survey census data and subsequent American Community Survey data in 5-year increments, or comparable census data, that (i) either (a) more than five percent of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process, (b) more than 10,000 of the citizens of voting age of such county, city, or town are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process, or (c) in the case of a county, city, or town containing all or any part of an Indian reservation, more than five percent of the American Indian citizens of voting age within the Indian reservation are members of a single language minority and are unable to speak or understand English adequately enough to participate in the electoral process, and (ii) the illiteracy rate of the citizens of the language minority as a group is higher than the national illiteracy rate. (19103013D)

HJ 591 (Cole) (HPE) gives the General Assembly the authority to make technical adjustments to legislative electoral district boundaries following the enactment of any decennial reapportionment law. Such adjustments may be made solely for the purpose of causing legislative electoral district boundaries to coincide with the boundaries of voting precincts established in the counties and cities and shall be permitted only to the extent necessary to accomplish this purpose. Any change made shall be consistent with any criteria for legislative electoral districts adopted for the preceding decennial redistricting. (19101055D)

HJ 615 (Cole) (HPE) requires the establishment of independent redistricting commissions by the General Assembly and the governing bodies of each county, city, or town in which members of the governing body are elected from districts. The purpose of these independent redistricting commissions is to propose electoral districts following the decennial census. The independent redistricting commission established by the General Assembly will consist of eight members, with equal representation given to the political parties, and will be responsible for submitting to the General Assembly proposed plans for congressional and legislative electoral districts. A proposed plan submitted to the General Assembly shall be introduced as a bill, subject to constitutional requirements for the enactment of laws, but will not be subject to amendment or veto by the Governor. The independent redistricting commissions established by the governing body of each county, city, and town in which members of the governing body are elected from districts will consist of four members, with equal representation given to the political parties, and will be responsible for submitting to its governing body proposed plans for local electoral districts. A proposed plan submitted to a governing body shall, if enacted, be done so in accordance with law. (19101058D)

SB 1102 (Peake) (Reported from SPE) provides that, for purposes of congressional, senate, and House of Delegates districts, if a boundary of such a district virtually coincides with the boundary between two or more localities, the boundary of the congressional district shall conform to the boundary between the localities that has been (i) agreed upon by those localities, (ii) adopted in ordinances by those localities, and (iii) reported by those localities to the United States Bureau of the Census prior to the previous decennial census. If two or more localities sharing a boundary cannot agree on the true boundary line between them, the boundary shall be that which was in existence on April 1, 2011, and was reported by the United States Bureau of the Census in the 2010 Census reports provided pursuant to United States Public Law 94-171. The bill provides a process by which a voter who believes he has been incorrectly assigned to an election district or precinct may request and have his assignment reviewed by the general registrar and, if necessary, the governing body of the county or city. (19105257D-S1)

SB 1250 (Reeves) (SPE) prohibits changes to the registration record of a registered voter who has been sent or provided an absentee ballot from being processed until after the election for which he was sent or provided an absentee ballot. The prohibition applies to registration transactions by electronic means. The bill requires the Department of Elections to provide instructions to the general registrars for enrolling the name and address of voters to whom an absentee ballot is sent or provided into the Virginia voter registration system and for checking the registration record to determine whether a registered voter has been sent or provided an absentee ballot when receiving a request for a change to the registration record. (19103145D)

SB 1281 (Barker) (SPE) provides that the expiration date on a Virginia driver's license offered for voting identification purposes shall not be considered when determining the validity of the license. (19101554D)

SB 1731 (Ebbin) (SPE) provides that elections of members of a county board of supervisors or a city council may be conducted by ranked choice voting, which the bill describes as the method of casting and tabulating votes in which (i) voters rank candidates in order of preference, (ii) tabulation proceeds in rounds in each of which either a candidate or candidates are elected or the last-place candidate is defeated, and (iii) tabulation ends when the number of candidates elected equals the number of offices to be filled. The bill provides that any costs incurred by the Department of Elections related to technological changes necessary for the implementation of ranked-choice voting pursuant to the bill shall be charged to the localities exercising the option to proceed with ranked-choice voting. The bill has a delayed effective date of July 1, 2020. (19104891D)

Employment Issues and Grievances

HB 1687 (Krizek) (HLC) provides that an employee has a private cause of action against an employer who fails to pay wages to recover the amount of wages due plus interest at eight percent annually from the date the wages were due. If the court finds that the employer knowingly failed to pay wages, the court shall award the employee reasonable attorney fees and other costs. If the court finds that the employer's failure to pay wages was willful and with intent to defraud the employee, the court shall also award the employee three times the amount of wages due. (19100994D)

HB 2263 (Krizek) (HCT) creates a cause of action for breach of procedures under the Firefighters and Emergency Medical Technicians Procedural Guarantee Act. The bill removes certain provisions limiting the effect of rights granted by the Act. (19102473D)

SB 1494 (Edwards) (SGL) creates a cause of action for breach of procedures under the Firefighters and Emergency Medical Technicians Procedural Guarantee Act. The bill removes certain provisions limiting the effect of rights granted by the Act. (19102475D)

Environment

HB 1683 (Ware) (HLC) authorizes any electric cooperative to (i) increase or decrease its rates without State Corporation Commission approval for any of its services, rather than only for distribution services, at any time if such adjustments will not effect a cumulative net increase or decrease in excess of 5 percent in such rates in any three year period; (ii) if it does not hold a membership interest in a utility aggregation cooperative and the facility that is the subject of the petition is either owned by the cooperative or has achieved commercial operation, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the costs of generation facilities, underground facilities to replace certain existing overhead distribution facilities, or certain pumped hydroelectricity generation and storage facilities; (iii) adjust the total system cap for net energy metering, agricultural net energy metering, and small agricultural generators to up to five percent of the cooperative's highest total coincident system peak within the past five years; and (iv) subject to findings that it will not result in either an intra-class or inter-class change in cost recovery, adopt any rate, rate component, program, tariff, or terms or conditions of service that the Commission has previously approved for any other cooperative. (19101783D)

HB 2755 (Fariss) (HAG) eliminates the requirement that a conservation easement conform to the comprehensive plan at the time the easement is granted for the area in which the real property is located. (19104628D)

Plastic Bags

HB 2095 (Guzman) (HCCT) authorizes a locality to prohibit by ordinance the purchase, sale, or provision, whether free or for a cost, of certain single use products that are not recyclable or compostable and for which there is a suitable and cost-effective compostable or recyclable alternative product available, with certain exceptions. The bill also authorizes any county or city to impose a five-cent per bag tax on disposable plastic bags provided to customers by certain retailers, with certain bags being exempt from the tax. The bill directs revenue from the local tax to be used by the county or city imposing the tax for litter control and stormwater management. The bill allows every retailer that collects the tax to retain one cent of the five-cent tax if the tax is paid in a timely manner. (19102821D)

Solar

SB 1091 (Reeves) (SLG) requires an owner or operator of solar photovoltaic systems and related equipment to submit a performance and reclamation bond to the Department of Mines, Minerals

and Energy (the Department) in order to qualify for a property tax exemption. The bill also requires the Department to promulgate regulations requiring all such owners and operators to submit decommissioning and site reclamation plans. (19105606D-S1)

Stormwater

HB 2154 (Stolle) (HAG) authorizes any land-disturbing activity that is eligible to take place pursuant to technical criteria that were adopted by the State Water Control Board prior to July 1, 2014, to be governed by such criteria until July 1, 2024. Current regulations grandfather such activities until July 1, 2019. (19104017D)

HB 2361 (Jones, S.C.) (HAG) provides that beginning July 1, 2019, all land-disturbing activities that are regulated pursuant to the Stormwater Management Act shall meet the technical criteria for stormwater management that were adopted by the State Water Control Board during 2011 and became effective July 1, 2014. Under current regulations, certain projects are grandfathered under the technical criteria that applied prior to July 1, 2014. (19104018D)

SB 1400 (Petersen) (SLG) authorizes any locality, by ordinance, to authorize contracts to provide loans for the initial acquisition and installation of stormwater management improvements with free and willing property owners of both existing properties and new construction. Current law authorizes such contracts only for clean energy improvements. The bill removes an exclusion for residential dwellings with fewer than five dwelling units and condominium projects from certain requirements related to a voluntary special assessment lien that secures such a loan. (19101646D)

SB 1559 (Lewis) (SLG) authorizes any locality, by ordinance, to authorize contracts to provide loans for the initial acquisition and installation of shoreline resiliency improvements with free and willing property owners of both existing properties and new construction. Current law authorizes such contracts only for clean energy improvements. (19102285D)

Health and Human Services

HB 1663 (Edmunds) (HGL) provides that no food establishment that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code shall be required to employ a certified food protection manager. (19105081D)

HB 1735 (Robinson) (HRUL) establishes the Commission on Student Behavioral Health as a legislative branch commission. The purpose of the Commission shall be to (i) assess the efficacy of developing and implementing a statewide behavioral health and suicide prevention hotline that students may use to report threats of violence or receive real-time counseling services; (ii) review the current school counselor-to-student ratio, and whether the realignment of counseling responsibilities proposed by the House Select Committee on School Safety is improving schools' ability to provide counseling services to students; (iii) review the current roles and responsibilities of school nurses, psychologists, and social workers in schools and determine whether a realignment of responsibilities could improve or streamline behavioral health services offered to students; (iv) evaluate the efficacy and costs of providing enhanced behavioral health services in schools delivered through partnerships established between school divisions and local departments

of social services and community services boards; (v) assess the effectiveness of de-escalation and other alternative disciplinary policies when interacting with students suffering from behavioral health challenges; (vi) examine the value of additional teacher training requirements on student behavioral health, such as mental health first aid; and (vii) examine other topics related to student behavioral health identified by the Commission. The Commission shall consist of 12 members as follows: seven members of the House of Delegates, of whom two shall be members of the House Committee on Health, Welfare and Institutions, two shall be members of the House Committee on Education, two shall be members of the House Committee on Appropriations, and one shall be a member at-large, to be appointed by the Speaker of the House of Delegates; and five members of the Senate, of whom two shall be members of the Senate Committee on Education and Health, two shall be members of the Senate Committee on Finance, and one shall be a member at-large, to be appointed by the Senate Committee on Rules. The Commission may appoint, employ, and remove an executive director and such other persons as it deems necessary and determine their duties and fix their salaries or compensation within the amounts appropriated therefor. The Commission may also employ experts who have special knowledge of the issues before it. All agencies of the Commonwealth shall provide assistance to the Commission, upon request. The bill has an expiration date of July 1, 2021. (19101085D)

HB 1986 (Bell, Richard P.) (Reported from HED)/**SB 1314** (Hanger) (Passed Senate; HED) requires that any child who is admitted to a state hospital or state mental health facility for inpatient treatment shall, if appropriate, participate in any education and training program in such state hospital or state mental health facility unless such child has been excused from attendance at school attendance due to a bona fide religious training or belief. (19105308D-H1, 19101466D)

HB 2203 (Filler-Corn) (HHWI) repeals the sunset and contingency expiration of the requirement that the following individuals undergo fingerprint-based national criminal history background checks: (i) applicants for employment by, employees of, applicants to serve as volunteers with, and volunteers with any licensed family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, or family day home approved by a family day system; (ii) applicants for licensure as a family day system, registration as a family day home, or approval as a family day home by a family day system, as well as agents of such applicants and any adult living in such family day home; and (iii) individuals who apply for or enter into a contract with the Department of Social Services under which a child day center, family day home, or child day program will provide child care services funded by the Child Care and Development Block Grant Act, as well as the applicant's current or prospective employees and volunteers, agents, and any adult living in the child day center or family day home. (19101796D)

HB 2238 (McQuinn) (Reported from HHWI) adds the category of previously unidentified cemetery to the laws allowing for the removal of remains from graveyards or family cemeteries that have been abandoned or are unused and neglected by their owners. The bill includes technical amendments. (19102311D)

HB 2280 (Head) (Reported from HHWI) adds to the list of programs that are not considered child day programs and are not subject to licensure (i) programs of recreational activities offered by a local government, staffed by local government employees, and attended by school-age children and (ii) programs offered by a local school division, operated for no more than four hours per day,

staffed by local school division employees, and attended by children who are at least four years of age and are enrolled in public school or a preschool program within such school division. Under law that takes effect July 1, 2019, such programs are considered child day programs that are exempt from licensure and subject to certain health and safety requirements administered by the Department of Social Services. Under the provisions of the bill, however, such child day programs shall remain subject to safety and supervisory standards established by the local government or school division offering the program. (19103931D)

HB 2282 (Filler-Corn) (Reported from HHWI) allows the Board of Counseling to promulgate regulations for the issuance of temporary licenses to individuals engaged in a counseling residency for the purpose of meeting the Board's licensure requirement for postgraduate counseling practice during a supervised residency period. (19105443D-H1)

HB 2296 (Leftwich) (HCT)/**SB 1302** (Barker) (SCT) requires a person who alleges that the website of a bank, trust company, savings institution, or credit union does not comply with applicable law regarding its accessibility by the vision impaired or hearing impaired to provide such entity with notice of the alleged violation at least 120 days prior to filing a civil cause of action. If the entity cures the defect within the 120 days, then the court shall dismiss the action. The bill also requires the court to dismiss a cause of action filed after the defendant has cured the defect and award reasonable costs and attorney fees to the defendant. (19103886D, 19104075D)

HB 2397 (Lopez) (HHWI) provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) 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 and is actively engaged in or has completed a substance abuse treatment program. (19102526D)

HB 2652 (Hope) (HHWI) directs the Board of Behavioral Health and Developmental Services to amend regulations governing licensed providers to require every licensed provider to provide a truthful statement regarding the character, ability, and fitness for employment of a current or past employee or other individual currently or previously associated with the provider in a capacity that requires a criminal history background check to any other licensed provider with which the current or past employee has applied for employment or to fill a role that requires a criminal history background check upon receipt of a request for such information from the other licensed provider and written consent to the disclosure of such information executed by the current or past employee or other individual currently or previously associated with the provider in a capacity that requires a criminal history background check. (19102852D)

HB 2798 (Garrett) (HHWI) requires the Commissioner of Health, in cooperation with the Bureau of Insurance, to collect health claims data from certain insurers, corporations, managed care organizations, third-party administrators, and employee welfare benefit plans whose employer has opted-in to the All-Payer Claims Database, the Department of Medical Assistance Services, state government health insurance plans, local government health insurance plans, and federal health insurance plans. The bill provides that employers that maintain an employee welfare benefit plan may agree to participate in the All-Payer Claims Database and provides a process for such agreement. The bill adds members to the advisory committee to the nonprofit organization that

administers the All-Payer Claims Database. The bill requires the Commissioner of Health to establish a data release committee to review and approve requests for access to data and prohibits the release of data without the approval of such committee. The bill requires the nonprofit organization to ensure that data is timely submitted to the All-Payer Claims Database and authorizes the Board of Health to assess a civil penalty on entities not in compliance. (19104575D)

HB 2521 (Rasoul) (Reported from HHWI) directs the Board of Social services to amend regulations governing staffing of assisted living facility units with residents who (i) have serious cognitive impairment due to a primary psychiatric diagnosis of dementia or any other diagnosis and (ii) are unable to recognize danger or protect their own safety and welfare to create an exception to certain staffing requirements for overnight hours. (19104765D-H1)

HB 2546 (Robinson) (HHWI) directs the Department of Health to establish a Maternal Mortality Review Team to systematically review all pregnancy-associated deaths and pregnancy-related deaths, as defined in the bill, occurring in the Commonwealth and (i) determine the rate of pregnancy-associated and pregnancy-related deaths in the Commonwealth; (ii) identify risk factors of pregnancy-associated or pregnancy-related deaths; (iii) identify other factors contributing to pregnancy-associated and pregnancy-related deaths, including delayed diagnosis of medical conditions, inadequate medical treatment, failure of health care providers to follow basic safety procedures, or other medical or nonmedical errors; and (iv) develop recommendations for prevention and intervention programs to reduce the rate of pregnancy-associated and pregnancy-related deaths in the Commonwealth. The bill also requires certain health care providers, law-enforcement officers, funeral directors, or other persons having knowledge of pregnancy-associated and pregnancy-related deaths to report such deaths. (19102443D)

HB 2560 (Pillion) (HHWI) directs local departments of social services to foster, when practicable, the creation, maintenance, and coordination of hospital and community-based multidisciplinary teams focused on the abuse and exploitation of adults 60 years of age or older or 18 years of age or older who are physically or mentally incapacitated. These teams may do the following, as practicable: (i) assist the local department of social services in identifying abused and exploited adults; (ii) coordinate medical, social, and legal services for abused and exploited adults and their families; (iii) develop innovative programs for detection and prevention of the abuse and exploitation of adults; (iv) promote community awareness and action to address adult abuse and exploitation; and (v) disseminate information to the general public regarding the problem of adult abuse and exploitation, strategies and methods for preventing such abuse, and treatment options for abused and exploited adults. The bill also allows the attorney for the Commonwealth in each jurisdiction to establish a multidisciplinary adult abuse and exploitation response team to review cases of abuse and exploitation of adults. Such multidisciplinary team may be established separately or in conjunction with any already existing multidisciplinary team. (19102355D)

HB 2581 (Kory) (HHWI) directs the Department of Health to establish a Maternal Mortality Review Team to review all pregnancy-associated deaths and pregnancy-related deaths, as defined in the bill, occurring in the Commonwealth in a systematic way and (i) prepare a de-identified case summary for each case; (ii) determine the rate of pregnancy-associated and pregnancy-related deaths in the Commonwealth, including rates of such deaths among different demographic groups; (iii) identify risk factors of pregnancy-associated or pregnancy-related deaths and factors

contributing to disparities in rates of such deaths among demographic groups; and (iv) recommend components of prevention and intervention programs to reduce the rate of pregnancy-associated and pregnancy-related deaths in the Commonwealth, including programs (a) for the education and training of health care providers providing services to women who are pregnant or who have been pregnant within the previous year and (b) specifically targeted at reducing racial or other disparities in rates of pregnancy-associated and pregnancy-related deaths in the Commonwealth. The bill also requires reporting of pregnancy-associated and pregnancy-related deaths by certain health care providers, law-enforcement officers, funeral directors, or other persons having knowledge of such deaths and directs the Department to establish a program for the reduction of pregnancy-associated and pregnancy-related deaths in the Commonwealth. (19100313D)

HB 2749 (Poindexter) (HHWI) establishes penalties for failure to comply with restrictions on use of TANF cash benefits. (19104482D)

SB 1000 (Stanley) (Senate Floor) directs the Virginia Community College System (VCCS) to establish and administer a two-year Temporary Assistance for Needy Families (TANF) Scholarship Pilot Program (the Program), beginning in 2019, for the purpose of providing access to postsecondary educational opportunities to students living in poverty. The Program would provide scholarships to select comprehensive community colleges in the maximum amount of \$4,000 per year to 200 selected students who meet TANF eligibility requirements. The Program would be funded by the unexpended balance in federal TANF block grant funds. The bill directs VCCS to report to the Governor and the General Assembly no later than December 1 of each year of the Program regarding the effectiveness of and other information about the Program. (19100088D)

SB 1104 (Peake) (SFIN) provides that the state pool of funds for community policy and management teams may be used for residential or nonresidential services in a public school setting and to provide services to children placed in public residential facilities or public special education day schools in addition to such private facilities and private special education day schools as provided in current law. (19101619D)

SB 1253 (Reeves) (SRSS) requires local departments of social services to request the placement of a security freeze on the credit report or record of any child who has been in foster care for at least six months in order to prevent cases of identity theft and misuse of personal identifying information. The bill directs local departments to request the removal of such security freezes upon the child's removal from foster care. The bill allows local departments, with the child's consent, to request the removal of a security freeze placed on the credit report or record of a child who continues to receive foster care or independent living services beyond his eighteenth birthday; however, in such instances, the local department is required to conduct annual credit checks on the child. (19101851D)

SB 1289 (Edwards) (Passed Senate; HHWI) establishes a process by which the Board of Pharmacy, an authorized agent of the Board, or law enforcement can seize and place under seal controlled substances and prescription devices that are owned or possessed by a person or entity when the registration, license, permit, or certificate authorizing such ownership or possession is suspended or revoked. The bill also provides procedures and requirements for the transfer and

disposal of sealed controlled substances and prescription devices if subject to forfeiture. The bill provides that the period in which the Director of the Department of Health Professions, his authorized agent, or a law-enforcement officer may properly dispose of the seized drugs and devices in the event the owner has not claimed and provided for the proper disposition of the property is 60 days from notice of seizure. Under current law, such period is six months from notice of seizure. (19101806D)

SB 1570 (Lewis) (SRSS) creates a central registry of founded complaints of adult abuse, neglect, and exploitation to be maintained by the State Department of Social Services. The bill establishes (i) investigation requirements for local departments of social services related to complaints of adult abuse, neglect, and exploitation; (ii) record retention and disclosure requirements for the Department and local departments; (iii) notice requirements related to findings by local departments and central registry entries; and (iv) an appeals process to contest the findings of a local department related to founded reports of adult abuse, neglect, or exploitation. (19102290D)

Adult Protective Services

HB 2132 (Murphy) (HCT) expands the crime of abuse and neglect of an adult to include abuse and neglect of vulnerable adults, defined in the bill as persons 60 years of age or older. Current law applies only to incapacitated adults, defined as persons 18 years of age or older who are impaired by reason of mental illness, intellectual disability, physical illness or disability, advanced age, or other causes to the extent the adult lacks sufficient understanding or capacity to make, communicate, or carry out reasonable decisions concerning his well-being. The bill also expands the class of victims of the crime of financial exploitation of incapacitated persons to include persons incapacitated due to physical illness or disability, advanced age over the age of 60, or other causes that prevent such persons from understanding the nature or consequences of the financial transaction involved in an offense against such person. The current law applies only to victims who suffer from mental incapacity. (19104118D)

Child Protective Services

SB 1339 (Reeves) (SFIN) makes numerous changes to the laws governing the provision of foster care services in the Commonwealth. Among other things, the bill (i) allows the Commissioner of Social Services to develop and implement a corrective action plan for or assume temporary control over the foster care services of a local board of social services upon determining that the local board (a) has failed to provide foster care services or make placement and removal decisions in accordance with applicable laws or regulations or (b) has taken any action that poses a substantial risk to the health, safety, or well-being of any child under its supervision and control; (ii) requires the Commissioner to create within the State Department of Social Services (the Department) a foster care health and safety director position; (iii) directs the Commissioner to establish and maintain a confidential hotline to receive reports and complaints from foster parents and other persons regarding violations of laws or regulations applicable to foster care and any other matters related to the health, safety, or well-being of children in foster care; (iv) directs the Department to develop and implement a more reliable, structured, and comprehensive case review and quality improvement process to monitor and improve foster care services provided by local boards and departments of social services; and (v) requires the Department to establish and update annually a

caseload standard that limits the number of foster care cases that may be assigned to each foster care caseworker. (19102687D)

HB 1953 (Campbell, J.) (Passed House)/**SB 1416** (Mason) (SRSS) provides that whenever an appeal of a finding by a local department of social services is made and a criminal investigation is also commenced against the appellant for the same conduct involving the same victim as investigated by the local department, the appeal process shall automatically be stayed until the criminal investigation is closed or, in the case of a criminal investigation that is not completed within 180 days of the appellant's request for an appeal, for 180 days. (19103324D, 19102940D)

SB 1435 (McClellan) (SRSS) allows the Commissioner of Social Services to issue a summary order of suspension of the license of any child welfare agency when conditions or practices exist that pose an immediate and substantial threat to the health, safety, and welfare of the children receiving care. The bill allows the Commissioner, in issuing an order of summary suspension, to suspend the license of the child welfare agency or to suspend only certain authority of the child welfare agency to operate, including the authority to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, or welfare of the children receiving care. The bill establishes notice, hearing, appeal, and posting requirements for such summary suspensions. (19102035D)

Financial Exploitation

SB 1175 (McPike) (SRSS) requires any employee, agent, qualified individual, or representative of a bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, investment company, investment advisor, securities firm, accounting firm, or insurance company to report a matter giving reason to suspect the financial exploitation by any person of an adult who is a client or customer of the financial institution. The report is required to be made to the local department of social services for the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline, unless he notifies the person in charge of the financial institution or his designee, who shall report such information in accordance with the financial institution's policies and procedures for reporting such matters. This measure replaces an existing provision that authorizes any financial institution staff who suspects that an adult has been exploited financially to report the suspected exploitation. (19103216D)

SB 1490 (Obenshain) (SRSS) authorizes financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds if the financial institution staff (i) believes in good faith that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult or (ii) makes, or has actual knowledge that another person has made, a report to the local department of social services or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an aged or incapacitated adult. (19104181D)

Land Use

HB 2310 (Hayes) (House Floor) authorizes any locality to regulate the activity on, or use or development of, a flood plain in a manner consistent with any state and federal flood plain management programs and requirements. (19102214D-E)

HB 2375 (Roem) (House Floor) Provides that if a local governing body reduces the time period by which a planning commission shall review a proposed zoning ordinance amendment to less than 100 days, the governing body shall hold at least one public hearing on the proposed reduction of the commission's review period and publish notice of such public hearing at least two weeks prior to the public hearing date. (19102117D-E)

HB 2420 (Bell, Richard P.) (HCCT) provides that a wall built on residential property shall be grandfathered as a valid nonconforming use, and the wall shall not be subject to removal solely due to such nonconformity, in any instance where (i) a residential property owner sought local government approval prior to 2008 for construction of a wall on the owner's property, (ii) the property owner was informed by a local official that such wall required no permit and that the structure would comply with the zoning ordinance, (iii) the wall was thereafter constructed, (iv) the locality subsequently informed the property owner that the wall was illegal, and (v) such a wall, had it been constructed as described in clauses (ii) and (iii) after 2017, would be considered a valid nonconforming use not subject to removal. (19100765D)

HB 2779 (Edmunds) (HCCT) increases the maximum number of enterprise zones from 30 to 50. The measure also authorizes the Governor to renew an enterprise zone designation for an additional five years if (i) the initial 10-year designation period and the two five-year renewal periods have expired and (ii) the locality in which the zone is located scores below the statewide average on any two of the three distress factors used when determining locality-wide need and impact of a zone designation. (19104509D)

SB 1699 (Peake) (SLG) authorizes a locality, through provisions in a subdivision ordinance or zoning ordinance, subject to certain terms and conditions included in the ordinance, to grant a developer of land the option of either (i) dedicating land for and constructing a sidewalk as may be required by the locality or (ii) contributing funds equivalent to the cost of the dedication of land for and construction of a sidewalk on the property to a sidewalk fund, maintained and administered by the locality. Such sidewalk fund may be used by the governing body for sidewalk improvements in the locality. (19104033D)

Opioids

SB 1349 (McDougle) (SCT) eliminates the requirement to substantially cooperate with law enforcement in any investigation of any criminal offense reasonably related to an overdose in order to qualify for an affirmative defense from prosecution for the unlawful purchase, possession, or consumption of alcohol, possession of a controlled substance, possession of marijuana, intoxication in public, or possession of controlled paraphernalia. (19103528D)

Procurement

HB 2475 (Torian) (HGL) requires that competitive negotiation be used for construction projects where the project cost is expected to be more than \$500,000. Under current law, construction may be procured only by competitive sealed bidding, except (i) when procured by a public body on a fixed price design-build basis or construction management basis as permitted by law or (ii) when procured by a public body for the construction of highways and any draining, dredging, excavation, grading, or similar work upon real property under certain circumstances. The bill also exempts contracts for the construction of public works where the project cost is expected to be more than \$500,000 from certain provisions relating to state agency agreements with labor organizations. (19104157D)

Public Safety/Criminal Justice

HB 1771 (Mullin) (HCT) provides that juveniles who have been screened for needing community-based services using an evidence-based assessment protocol are eligible to receive community-based services as provided by the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.) (the Act). The bill also requires the total number of children who have been screened for needing community diversion or community-based services using an evidence-based assessment protocol to be factored into the funding determination for community diversion services as provided for by the Act. (19100033D)

HB 1933 (Hope) (House Floor) establishes a process for the sheriff or administrator in charge of a local or regional correctional facility to petition a court to authorize medical or mental health treatment for a prisoner in such facility who is incapable of giving informed consent for such treatment. The process parallels the existing process for the Director of the Department of Corrections to seek authorization to provide involuntary treatment to prisoners in state correctional facilities. The bill provides that the treatment ordered may be provided within a local or regional correctional facility if such facility is licensed to provide such treatment. If statutory procedures are followed, the service provider does not have liability based on lack of consent or lack of capacity to consent unless there is injury or death resulting from gross negligence or willful and wanton misconduct. (19104834D-H1)

HB 2412 (Adams) (HCT) requires the owner of fleet vehicles to obtain consent of the vehicle operator before installing or placing an electronic device on the fleet vehicle to track it. (19100048D)

HB 2782 (Campbell, R.) (HCCT) provides that in any instance in which a sheriff's deputy or police officer of a locality incurs medical expenses for treatment by a health care provider for an incident that occurs in the line of duty as the direct or proximate result of the performance of his duty, the locality shall instruct the health care provider that all of its billings for such medical expenses shall be directed to the locality, and not to the sheriff's deputy or police officer, for payment as appropriate. (19104589D)

SB 1207 (Stuart) (Reported from SCT) defines a school protection officer as a retired law-enforcement officer hired on a part-time basis by the local law-enforcement agency to provide law-

enforcement and security services to Virginia public elementary and secondary schools. The bill exempts school protection officers from the minimum training standards for law-enforcement officers. (19105551D-S1)

SB 1645 (Boysko) (SCT) requires the Department of State Police to include information regarding the use of force by a state or local law-enforcement officer in the annual Crime in Virginia report when the use of force involves (i) a fatality to a civilian; (ii) serious bodily injury to a civilian; or (iii) in the absence of either death or serious injury, a discharged firearm by a state or local law-enforcement officer at or in the direction of a person. The bill specifies information required to be included in such incident report. The bill subjects the Department of Corrections and administrators of local correctional facilities and regional jails to similar reporting requirements. (19104536D)

Body-Worn Cameras

SB 1033 (Stanley) (SCT) provides a procedure for a defendant to request the inspection and the copying or photographing of any body-worn camera recordings that are within the possession, custody, or control of the Commonwealth. The bill provides that the Commonwealth may designate any body-worn camera recording subject to disclosure as Counsel Only Material and that any unlawful reproduction or dissemination of such designated recordings is punishable as a Class 1 misdemeanor. The bill provides a retention schedule for such recordings and provides that such recordings shall not be considered a public record for the purpose of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill requires all such requests for body-worn camera recordings to comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). (19100220D)

Firearms

SB 1158 (Black) (Reported from SFIN) allows any person who is otherwise eligible to obtain a resident concealed handgun permit to carry a concealed handgun without a permit anywhere he may lawfully carry a handgun openly within the Commonwealth. (19101577D)

Unmanned Aircraft Systems

SB 1507 (Carrico) (SCT) provides that a law-enforcement officer may deploy an unmanned aircraft system (i) to aerially survey a primary residence to formulate a plan to execute an arrest warrant for a felony offense or (ii) to locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person. (19101909D)

Taxation

HB 2715 (Rush) (HCT) transfers from the attorney for the Commonwealth to the Department of Taxation the duty to cause proper proceedings to be instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties, and restitution. (19104964D)

Internet Sales Tax

HB 1722 (Bloxom) (HFIN) directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019. The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate. The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser. The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections. (19102020D)

SB 1083 (Ruff) (SFIN) directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019. The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate. The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser. The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections. (19101890D)

SB 1294 (Howell) (SFIN) directs the Department of Taxation (the Department) to require a remote seller to collect sales and use tax if the seller has more than \$100,000 in annual gross revenue from sales in Virginia or at least 200 sales transactions in Virginia and requires a marketplace facilitator, which enables marketplace sellers to sell in Virginia through its marketplace, to collect sales and

use tax if its annual gross revenue from facilitated sales in Virginia exceeds \$100,000 or it facilitates at least 200 sales transactions in Virginia. The bill provides that the obligation of remote sellers and marketplace facilitators to collect sales and use tax shall not apply to transactions occurring before July 1, 2019. The bill provides that in administering remote sales and use tax collection, the Department shall provide information to remote sellers to allow them to identify state and local tax rates and exemptions. For auditing purposes, the Department is directed to allow a remote seller to complete a single audit covering all localities. The bill requires the Department to give remote sellers at least 30 days' notice of any change in tax rate. The bill provides that if a remote seller or marketplace facilitator collects an incorrect amount of tax, it shall be relieved of liability for failure to collect the correct amount if the error is the result of its reliance on information provided by Virginia. The bill also relieves a marketplace facilitator of liability if it collects an incorrect amount of tax based on certain incorrect information provided by a seller or purchaser. The bill repeals several contingent provisions of previous related bills that would take effect if the United States Congress enacted legislation related to remote sales and use tax collection. The bill contains technical corrections. (19103666D)

Transportation

HB 2269 (Poindexter) (Reported from HAG) prohibits the Governor or any state agency from adopting any regulation establishing or bringing about the participation by the Commonwealth in the Transportation and Climate Initiative or any other regional transportation sector emissions program. The bill provides that the Commonwealth shall be allowed to participate in such a regional transportation sector emission program if the House of Delegates and the Senate of Virginia each adopt a resolution by two-thirds vote that specifically references and approves the regulatory text proposed for adoption by a state agency. (19102723D)

HB 2313 (Hodges) (Reported from HTRAN) requires the Commissioner of Highways to (i) require any official who approves a highway access project to certify such project's consistency with the comprehensive highway access management standards and such official's due diligence in reviewing the project and (ii) establish an appeals process whereby an approved or denied highway access project can be reviewed by a different official. (19105149D-H1)

SB 1768 (Mason) (SCT) prohibits any use of a handheld personal communications device by a person operating a moving motor vehicle in a highway work zone, with certain exceptions. The bill provides that a violation is a Class 1 misdemeanor. Current law prohibits only the reading of an email or text message on the device and manually entering letters or text in the device as a means of communicating, with the same exceptions. (19104680D)

HJ 683 (LaRock) (HPE) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. The amendment directs that revenues dedicated to Transportation Funds on January 1, 2020, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Transportation Funds. The amendment limits the use of Transportation Funds moneys to transportation and related purposes. The

amendment specifies that the General Assembly may borrow from the Transportation Funds for other purposes only by a vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years. (19100216D)

SB 1762 (Sturtevant) (SLG) requires a locality to submit to the Department of Transportation a traffic impact analysis for any proposed rezoning application for a new solid waste management facility. (19102135D)

SB 1765 (Stanley) (STRAN) clarifies that public safety agencies may, following a motor vehicle accident or incident, restore the highway to its condition prior to the accident. The bill does not affect current law authorizing the removal of vehicles, cargo, and personal property without the consent of the owner or carrier. The bill clarifies that the owner or carrier of the vehicle, cargo, or personal property removed is responsible for paying all costs billed for removing the property and restoring the highway and adds individuals or entities acting at the request of State Police or a local law-enforcement agency to the list of entities that must be reimbursed or paid. Current law provides for the reimbursement of such costs. (19104289D)

Parking Ordinances

HB 1818 (Delaney) (HTRAN) authorizes any county or town with a population of at least 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000. (19101337D)

SB 1044 (Black) (Passed Senate; HTRAN) authorizes any county or town with a population of at least 40,000 to provide by ordinance that law-enforcement officers, other uniformed employees of the locality, and uniformed personnel under contract with the locality may issue a summons or parking ticket for a violation of the locality's ordinances or regulations regarding the parking, stopping, or standing of vehicles. Current law creates such authority for any city with a population of at least 40,000. (19105114D-S1)

Seat Belts

HB 1710 (Krizek) (HAPP) requires the Board of Education to make regulations to require each new public school bus purchased for the transportation of students to be equipped with a seat belt consisting of a lap belt and shoulder strap or harness in every seat. The bill requires each school board to ensure that no later than July 1, 2037, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. (19100952D)

VI. “Watch List”/May Have State Revenue/Policy Implications

Miscellaneous

HB 1752 (Krizek) (Passed House; SEH) prohibits local school boards from requiring students to attend school on the Tuesday after the first Monday in November. (19100995D)

HB 1764 (Carter) (HRUL) repeals the provisions of the Code of Virginia that, among other things, provide that any employee of the Commonwealth, a locality, or other political subdivision who strikes or willfully refuses to perform the duties of his employment is deemed to have terminated his employment and is thereafter ineligible for employment. (19101574D)

HB 1806 (Carter) (HRUL) repeals the provisions of the Code of Virginia that, among other things, prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise. The measure also authorizes a collective bargaining agreement to provide for an agency shop or a union shop. (19101572D)

SB 1255 (Ruff) (Passed Senate; HAPP) creates the Major Headquarters Workforce Grant Fund. A qualified e-commerce company that makes a capital investment of at least \$2 billion in a major headquarters facility in Arlington County and that creates at least 25,000 new full-time jobs with an average annual wage of \$150,000 will be eligible for up to \$550 million in grants from the Fund. A qualified company may also be eligible for an additional \$200 million in grants for creating an additional 12,850 new full-time jobs. (19102500D)

Courts

HJ 661 (Poindexter) (HRUL) directs the Virginia State Crime Commission to study the effects of changes in policies regarding the cash bail bond system on referrals to pretrial services agencies and costs associated with such referrals. (19103692D)

Elections

HB 1829 (Simon) (HPE) authorizes the governing body of a county or city to establish by ordinance a system of public campaign financing for elected local offices. The bill specifies certain requirements for a system of public campaign financing established by a governing body, including the provision of a public election fund to be administered by the treasurer of the county or city. A system of public campaign financing established by a county or city is permitted to more stringently regulate the campaign finance activity of participating candidates and shall be subject to regulation and oversight by the State Board of Elections to ensure its conformity with state law and policy to the extent practicable. (19101346D)

HJ 670 (Landes) (HRUL)/**SJ 291** (DeSteph) (SRUL) requests the Secretary of Administration to oversee and develop a charter and directives for the State Board of Elections to form a working

group to study implementation of electronic return of voted military-overseas ballots. In conducting its study, the State Board of Elections with the working group shall study and develop initial instructions and procedures which (i) consider issues related to accessibility, auditability, authentication, verification, and security through encryption, in order to ensure that any process implemented would guarantee the accuracy and integrity of voted military-overseas ballots, and (ii) recommend (a) security measures necessary to reasonably secure the transmission, processing, and storage of voter data from interception and unauthorized access, (b) methods for verifying and authenticating the identity of the voter electronically when registering to vote and when requesting a ballot from and returning a ballot to the voter's jurisdiction, (c) methods for the encryption of voted ballots, and (d) a procedure for security reviews after an election. The study shall focus on implementation of electronic return of voted military-overseas ballots first as a limited pilot program in 2020, and later on a statewide basis. (19103799D, 19104220D)

Absentee Voting

HB 2682 (Sickles) (HPE) provides that any absentee ballot that is returned to the general registrar after the closing of the polls on election day but before noon on the third day after the election and postmarked on or before the date of the election shall be counted if the voter is found entitled to vote. The bill contains technical amendments. (19104578D)

SB 1552 (Surovell) (SPE) provides that the alternative locations approved by the electoral boards for absentee voting in person prior to election day shall be in a public facility owned or leased by the city, the county, or a town within the county, at which all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location are adequately protected and secured. Currently, the law limits the electoral boards to approving alternative locations only in public buildings. (19100858D)

Redistricting

SJ 306 (Barker) (Reported from SPE) establishes the Virginia Redistricting Commission, a 16-member Commission tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly. The Commission consists of eight legislative members and eight citizen members. The legislative members consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen members are selected by a selection committee consisting of five retired judges of the circuit courts of Virginia. The selection committee is tasked with adopting a process by which registered Virginia voters may apply to serve on the Commission and selecting from the applicants a list of 16 candidates. The amendment requires four of the candidates to be voters who affiliate with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, four candidates to be voters who affiliate with the political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and eight candidates to be voters who do not affiliate with any political party. The Speaker of the House of Delegates, the minority leader in the House of Delegates, and the majority and minority leaders in the Senate then strike names from the list until there is the final list of eight citizen members, two of whom affiliate

with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, two of whom affiliate with the political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and four of whom do not affiliate with any political party. The Commission is required to submit to the General Assembly plans of districts for the Senate and the House of Delegates of the General Assembly no later than 45 days following the receipt of census data and plans of districts for the United States House of Representatives no later than 60 days following the receipt of census data. In order to be submitted to the General Assembly for a vote, a plan must receive an affirmative vote of at least six of the eight legislative members and six of the eight citizen members. No amendments may be made to a plan by the General Assembly or the Governor. In the event that the Commission fails to submit a plan by its deadline, or the General Assembly fails to adopt a plan by its deadline, or the Governor fails to act on or vetoes a plan by his deadline, districts shall be decided by judicial decision. (19105499D-S1)

Split Precincts

SB 1087 (Obenshain) (Passed Senate; HPE) requires counties, cities, and towns to adjust local election district lines to coincide with congressional or state legislative district lines established by the General Assembly. Precincts are required to be wholly contained within a single congressional district, Senate district, House of Delegates district, or local election district, and local governing bodies are directed to establish precinct boundaries immediately after the completion of the General Assembly's decennial redistricting so that each precinct is so wholly contained. The bill provides that if a locality is unable to comply with this requirement it shall apply to the State Board of Elections for a waiver to administer a split precinct and the State Board may grant that waiver or direct the locality to create a precinct with fewer than the required number of registered voters, as it deems appropriate. (19104968D-S1)

Environment

SB 1212 (Newman) (SACNR) removes provisions authorizing a water improvement district to levy a tax on owners of land within the district. The bill removes the requirement that owners of land approving a referendum regarding assessment of a service charge also represent two-thirds of the land area in such district. The bill contains an emergency clause. (19101787D)

HB 2621 (Ingram) (HCCT)/**SB 1398** (Stanley) (SLG) authorizes a locality, as a condition of approval of a site plan, to require an owner or developer of real property to enter into a written agreement to decommission certified solar energy equipment, facilities, or devices upon certain terms and conditions, including right of entry by the locality and financial assurance. The bill exempts a public utility from such requirements. (19104060D, 19104052D)

Stormwater

SB 1248 (Reeves) (Passed Senate; HCCT) authorizes a locality by ordinance to create a local Stormwater Management Fund consisting of appropriated local moneys for the purpose of granting funds to an owner of private property or a common interest community for stormwater management and erosion prevention. (19102694D-E)

SB 1328 (Hanger) (SACNR) authorizes the Department of Environmental Quality (the Department), with the approval of the Secretary of Natural Resources, to designate a portion of the moneys in the Stormwater Local Assistance Fund to provide matching grants to local governments that are not regulated under municipal separate storm sewer (MS4) permits for the planning, design, and implementation of stormwater best management practices. The bill directs the Department to prioritize grants for projects that are regional in scope. The bill directs the Department to seek stakeholder input and public comment in developing eligibility criteria and to submit such criteria by January 1, 2020, for consideration by the State Water Control Board. (19103935D)

Health and Human Services

HB 2731 (Edmunds) (HHWI) requires physicians to provide to each patient for whom a test for the presence of Lyme disease is ordered a written notice about Lyme disease, testing for Lyme disease, and the need for the patient to contact his physician with questions or concerns about Lyme disease. The bill also provides that licensees are immune from civil liability for providing such notice absent gross negligence or willful misconduct. The bill reinstates a requirement in the Code of Virginia that was effective from 2013 until its expiration on July 1, 2018. The provisions of this act shall expire on July 1, 2021. (19105570D)

Land Use

HB 2139 (Thomas) (House Floor) authorizes a locality to designate receiving areas or receiving properties that shall receive development rights only from certain sending areas or sending properties specified by the locality. The bill also authorizes a locality to provide for areas defined similarly to urban development areas in the ordinance relating to the transfer of development rights. Current law only authorizes inclusion of urban development areas. (19101605D)

HB 2141 (Thomas) (HCCT) authorizes a local governing body, with respect to a service district, to construct, maintain, and operate such facilities and equipment as may be necessary or desirable to provide broadband and telecommunications services. (19103237D)

HB 2364 (Knight) (HAG) amends the definition of "agritourism activity," for purposes of liability as well as the statutory limit on the imposition of restrictions by local governments, to include service as a wedding venue for not more than 12 weddings per calendar year, each wedding involving not more than 250 guests. (19100761D)

SB 1260 (Sturtevant) (SLG) allows a planning commission to designate an area as a conservation area. Current law only allows a redevelopment and housing authority to make such designation. (19101491D)

SB 1403 (Petersen) (Passed Senate; HCT) eliminates specific provisions for the assessment of costs in eminent domain proceedings where the condemnor is a public service company, public service corporation, railroad, or government utility corporation and provides that all costs shall be assessed in the same manner, regardless of the identity of the condemnor. (19102869D)

Public Safety/Criminal Justice

HB 2424 (Levine) (HMP) requires localities to adopt and establish a written policy for the operation of a body-worn camera system, as defined in the bill, that conforms to the model policy established by the Department of Criminal Justice Services (the Department) prior to purchasing or deploying a body-worn camera system. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and the storage and maintenance of body-worn camera system records. (19100257D)

Firearms

SB 1012 (Chase) (Passed Senate; HMP) provides that any firefighter or person employed as emergency medical services personnel who was previously employed as a law-enforcement officer or as a member of the Virginia National Guard, Armed Forces of the United States, or Armed Forces Reserves of the United States may carry a concealed weapon throughout the Commonwealth without a permit, provided that such firefighter or person employed as emergency medical services personnel has been approved to carry a concealed handgun by his fire chief or emergency medical services chief. (19105018D-S1)

School Safety

HB 1753 (Sickles) (HED) prohibits school boards from installing an electronic room partition in any school building unless such partition includes a contact pressure-sensitive safety edge whereby the partition automatically stops when it senses contact with any object other than the adjoining wall. (19100322D)

HB 1787 (Ransone) (HCT)/**SB 1381** (McDougle) (SCT) adds (i) threats of death or bodily injury to another person communicated in writing to such person or member of such person's family and (ii) threats to commit serious bodily harm to persons on school property to the listing of offenses that a juvenile intake officer is required to report to the school division superintendent, when a petition is filed alleging that a juvenile student committed such an offense. (19101060D, 19101051D)

Disorderly Conduct in Public Schools

SB 1107 (McClellan) (SCT) eliminates the Class 1 misdemeanor for disrupting willfully or while intoxicated, whether willfully or not, the operation of any school or any school activity conducted or sponsored by any school, if the disruption (i) prevents or interferes with the orderly conduct of the operation or activity or (ii) has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed. (19101854D)

Medical Marijuana and School Policy

HB 1720 (Hurst) (HCT) permits any student who possesses a valid and unexpired written certification to use cannabidiol oil or THC-A oil that is issued by a licensed practitioner of medicine or osteopathy to possess and use cannabidiol oil or THC-A oil on school property, on a

school bus, or at a school-sponsored activity. The bill prohibits a school board from suspending or expelling from school attendance any such student who possesses or uses cannabidiol oil or THC-A oil on school property, on a school bus, or at a school-sponsored activity. (19105452D)

Taxation

HJ 676 (Filler-Corn) (HPE) provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from state and local taxes. The amendment provides that only automobiles and pickup trucks qualify for the exemption. 19103340D

SJ 278 (Reeves) (Reported from SPE) provides that one motor vehicle of a veteran who has a 100 percent service-connected, permanent, and total disability shall be exempt from state and local taxes. The amendment provides that only automobiles and pickup trucks qualify for the exemption. (19105271D-S1)

Transportation

HB 2465 (Collins) (HCCT) the bill requires that engineering safety analyses and monthly evaluations conducted by a locality related to traffic light signal photo-monitoring systems, commonly known as red-light cameras, be posted on such locality's website, if available. The bill requires the reporting of certain traffic incident and financial data. The bill requires localities to establish a 15-day probationary period during which only advisory letters are issued for recorded traffic light signal violations when such a system is implemented or expanded. The bill has a delayed effective date for localities with existing traffic light signal photo-monitoring systems. (19104071D)

HJ 704 (Heretick) (HRUL) recognizes that public-private transportation partnership agreements that contain provisions prohibiting or frustrating the construction of non-tolled transportation facilities as alternatives to tolled facilities through economic disincentives are against public policy. (19103624D)

SB 1296 (Barker) (STRAN) adds the Harry W. Nice Bridge, Sandy Hook Bridge, Brunswick Bridge, and Point of Rocks Bridge to the Potomac River bridges subject to the Potomac River Bridge Towing Compact to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving the District of Columbia, Maryland, and Virginia appropriate authority anywhere on the bridges. (19102225D)

Distracted Driving

HB 1811 (Collins) (HCT) expands the prohibition on using a handheld personal communications device while operating a motor vehicle to all uses unless the device is specifically designed to allow hands-free and voice operation and the device is being used in that manner. Current law prohibits only the reading of any email or text message and manually entering letters or text in the device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are used (i) for navigation or generating audio transmissions

when the device is physically mounted to the vehicle; (ii) as an amateur radio or a citizens band radio; (iii) to activate, deactivate, or initiate a factory-installed feature or function on the vehicle; or (iv) for official Department of Transportation or traffic incident management services. (19101202D)

SB 1154 (Black) (STRAN) requires the driver of a motor vehicle to (i) give full time and attention to the safe operation of the motor vehicle and (ii) exercise due care and decrease speed as necessary to avoid a collision with any person, vehicle, or other conveyance on or entering the highway. These violations, which are not encompassed by the current reckless driving statute, shall constitute traffic infractions. (19101562D)

SB 1341 (Stuart) (STRAN) expands the prohibition on using a handheld personal communications device while operating a motor vehicle to all uses unless the device is specifically designed to allow hands-free and voice operation and the device is being used in that manner. Current law prohibits only the reading of any email or text message and manually entering letters or text in the device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are used (i) for navigation or generating audio transmissions when the device is physically mounted to the vehicle; (ii) as an amateur radio or a citizens band radio; (iii) to activate, deactivate, or initiate a factory-installed feature or function on the vehicle; or (iv) for official Department of Transportation or traffic incident management services. (19104282D)

Dulles Greenway

HB 2799 (LaRock) (HGL) amends the powers and responsibilities of the State Corporation Commission (SCC) to regulate toll road operators under the Virginia Highway Corporation Act of 1988. The measure adds requirements that toll rates not materially discourage the public's use of the toll road, that the cost of operating the toll road be reasonably apportioned across all toll road users based on the relative distance each class of user travels on the toll road such that the toll rates are established in a reasonable and nondiscriminatory manner in relation to the benefit obtained, and that toll rates shall provide the operator with no more than a reasonable return. In addition, the measure (i) requires the SCC, by October 1, 2019, to initiate an investigation into the tolls charged by all operators subject to the Act and to issue a ruling by April 1, 2020, on its investigation as to whether the current tolls charged by the operator comply with such new requirements; (ii) prohibits the SCC from using the fact that any incremental return resulting from increased traffic related to a relative change in potential toll users that is greater than zero on a cumulative basis as the sole basis for finding that the operator's return exceeds a reasonable level as specified in such new requirements, during any future complaint proceeding; (iii) requires the SCC, in its initial investigation, to develop a baseline from which it can measure the relative change in potential toll users and directs how the incremental return shall be computed; (iv) prohibits an operator from seeking a toll increase that attempts to raise its return above the reasonable level; (v) requires the full disclosure, in public financial reports to the SCC, of the details of any related party transactions; and (vi) establishes a presumption that any related party transactions shall be presumed to be imprudent and excluded from costs used for any purpose, including but not limited to costs of lobbyists, excessive compensation, and entertainment expenses, unless the operator

provides information showing that at least three separate competitive bids demonstrate that the operator could not have achieved better contract terms from a third party. (19104658D)

SB 1133 (Favola) (STRAN) authorizes the operator of the Dulles Greenway to apply annually to the State Corporation Commission, during the period 2020 through 2029, for increases to tolls on the roadway to reflect increases in the Consumer Price Index plus one percent. The measure also requires the operator to complete by January 1, 2023, the construction and installation of improvements required to implement a distance-based pricing program for the roadway. Under the program, users will be charged tolls on the basis of the distance traveled. The operator is required to bear all expenses incurred in implementing the program. The Commission is directed to approve the program, provided that it satisfies conditions that, among other things, set tolls of \$1 per mile at all times other than peak hours. (19103288D)

SB 1654 (Stanley) (STRAN) amends the powers and responsibilities of the State Corporation Commission (SCC) to regulate toll road operators under the Virginia Highway Corporation Act of 1988. The measure adds requirements that toll rates not materially discourage the public's use of the toll road, that the cost of operating the toll road be reasonably apportioned across all toll road users based on the relative distance each class of user travels on the toll road such that the toll rates are established in a reasonable and nondiscriminatory manner in relation to the benefit obtained, and that toll rates shall provide the operator with no more than a reasonable return. In addition, the measure (i) requires the SCC, by October 1, 2019, to initiate an investigation into the tolls charged by all operators subject to the Act and to issue a ruling by April 1, 2020, on its investigation as to whether the current tolls charged by the operator comply with such new requirements; (ii) prohibits the SCC from using the fact that any incremental return resulting from increased traffic related to a relative change in potential toll users that is greater than zero on a cumulative basis as the sole basis for finding that the operator's return exceeds a reasonable level as specified in such new requirements, during any future complaint proceeding; (iii) requires the SCC, in its initial investigation, to develop a baseline from which it can measure the relative change in potential toll users and directs how the incremental return shall be computed; (iv) prohibits an operator from seeking a toll increase that attempts to raise its return above the reasonable level; (v) requires the full disclosure, in public financial reports to the SCC, of the details of any related party transactions; and (vi) establishes a presumption that any related party transactions shall be presumed to be imprudent and excluded from costs used for any purpose, including but not limited to costs of lobbyists, excessive compensation, and entertainment expenses, unless the operator provides information showing that at least three separate competitive bids demonstrate that the operator could not have achieved better contract terms from a third party. (19103865D)

SJ 254 (Black) (SRUL) requests the Department of Transportation to study the feasibility of purchasing all or part of the Dulles Greenway. (19100620D)

Transportation Studies

HJ 580 (Cole) (HRUL) establishes a joint subcommittee to study the feasibility of widening Interstate 95 between Exit 118 and the Springfield Interchange. (19100151D)

HJ 581 (Cole) (HRUL) requests the Commonwealth Transportation Board to study the portion of the Interstate 95 corridor between Exit 118 and the Springfield Interchange and financing options for improvements to the corridor. (19100237D)

SJ 276 (Reeves) (SRUL) requests the Commonwealth Transportation Board to study the portion of the Interstate 95 corridor between Exit 118 and the Springfield Interchange and financing options for improvements to the corridor. (19102700D)

HJ 647 (Carroll Foy) (HRUL) requests that the Department of Rail and Public Transportation (the Department) to identify and recommend potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties and to study the feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1. The Department shall report its findings and recommendations for the two-year study no later than the first day of the 2020 and 2021 Regular Sessions of the General Assembly. (19103870D)

HJ 671 (Roem) (HRUL) requests the Department of Rail and Public Transportation to study and develop best practices for lowering the cost of commuter and light rail projects. (19103230D)

VII. Legislation Provided for Information

HB 2401 (Roem) (HLC) requires each public service corporation to file with the State Corporation Commission an annual statement of government influence spending that discloses each expenditure made by a public service corporation to influence government actions or public policy, including (i) lobbying expenditures, (ii) industry association dues, and (iii) payments made to any person that seeks to influence public policy. The measure requires the Commission to prepare summaries of the statements and to post the summaries and statements of government influence spending on its website. (19103357D)

HB 2545 (Byron) (HGL)/**SB 1523** (Ruff) (SFIN) creates in the Governor's cabinet the position of Secretary of Workforce Development (the Secretary). The bill removes the position of Chief Workforce Development Advisor and reassigns that position's responsibilities to the Secretary. (19104057D, 19105369D-S1)

SB 1080 (Edwards) (Senate Floor) creates proposed Title 55.1 (Property and Conveyances) as a revision of existing Title 55 (Property and Conveyances). Proposed Title 55.1 consists of 29 chapters divided into five subtitles: Subtitle I (Property Conveyances), Subtitle II (Real Estate Settlements and Recordation), Subtitle III (Rental Conveyances), Subtitle IV (Common Interest Communities), and Subtitle V (Miscellaneous). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to real and personal property conveyances, recordation of deeds, rental property, common interest communities, escheats, and unclaimed property. The bill has a delayed effective date of October 1, 2019, and is a recommendation of the Virginia Code Commission. (19100845D)

HJ 692 (Cole) (HRUL) memorializes the Congress of the United States to submit a new Equal Rights Amendment, with language that addresses the concerns over religious and privacy rights, to the states for ratification. (19103818D)

SJ 275 (Chase) (Passed Senate; HCT) reaffirms that all persons residing in Virginia are afforded equal protection under the law. The resolution cites numerous guarantees of equality that currently exist in both federal and state law while refuting the necessity, utility, and viability of the Equal Rights Amendment. (19104904D-S1)

SJ 285 (Chase) (SRUL) directs the Joint Legislative Audit and Review Commission (JLARC) to study the practices, procedures, and accountability of industrial development authorities. In conducting its study, JLARC shall (i) collect information regarding the number sizes, budgets, and locations of industrial development authorities throughout the Commonwealth; (ii) collect information regarding any moneys received industrial development authorities, the source and final disposition of such moneys, and the level of control that local governing bodies have over the use of such moneys; (iii) make recommendations to enhance the level of supervision and accountability that local governing bodies have over industrial development authorities activities; (iv) collect information about opportunities for citizen engagement in pursuing and approving projects and make recommendations to enhance such engagement; and (vi) make other legislative recommendations as appropriate. (19102758D)

Education/Schools

HB 1724 (Krizek) (HAPP) establishes the Grow Your Own Teacher Pilot Programs Fund and permits the Department of Education to award grants from such fund to local school boards to establish Grow Your Own Teacher Pilot Programs whereby the local school board provides scholarships not to exceed \$7,500 per academic year for attendance at a baccalaureate institution of higher education in the Commonwealth to any individual who (i) graduated from a public high school in the local school division, (ii) was eligible for free or reduced price lunch throughout the individual's attendance at a public high school in the local school division, and (iii) commits to teach, within three years of graduating from the baccalaureate institution of higher education in the Commonwealth and for a period of at least four years, at a public high school at which at least 50 percent of students qualify for free or reduced price lunch in the school division in which such individual graduated from high school. The bill provides that in the event that any program scholarship recipient fails or refuses to comply with such teaching obligation, the sum of all scholarship funds received by such individual shall be converted to a loan that is subject to repayment with interest. The bill has an expiration date of July 1, 2024. (19101126D)

HB 1729 (Landes) (Passed House; SEH) requires each school counselor employed by a school board in a public elementary or secondary school to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students. (19104768D-H1)

HB 1985 (Bell, Richard P.) (HED) requires the Department of Education to annually collect from each school board and publish on its website various enrollment and achievement data on alternative education programs for students who have been suspended, expelled, or otherwise

precluded from attendance at school. The bill requires such data to be published in a manner that protects the identities of individual students and disaggregated by local school division and by student race, ethnicity, gender, and disability. (19101690D)

SB 1218 (Newman) (SEH) requires the Standards of Learning assessments administered to students in grades nine through twelve to include reading, writing, mathematics, science, and Virginia and U.S. history. The bill requires each such Standards of Learning assessment to consist of a Board-developed end-of-course assessment and prohibits such from being performance-based. The bill requires each school board to annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students taking other high school courses in reading, writing, mathematics, science, and history and social science. The bill requires such Board guidelines to ensure that such assessments produce quantifiable metrics and performance measures that are comparable across school divisions and years. The bill requires the Department of Education to perform reviews and performance audits on such locally administered alternative assessments for high school courses. The bill requires the Board, in its graduation requirements, to require students to earn a verified unit of credit in reading, writing, mathematics, science, and Virginia and U.S. History. The bill requires each such verified credit to be earned only by (i) the successful completion of a Board-developed end-of-course Standards of Learning assessment; (ii) achievement of a passing score on a Board-approved standardized test administered on a statewide, multistate, or international basis that measures content that incorporates or exceeds the Standards of Learning content in the course for which the verified credit is given; or (iii) achievement of criteria for the receipt of a locally awarded verified credit from the local school board in accordance with criteria established in Board guidelines when the student has not passed the corresponding Standards of Learning assessment. (19102794D)

SB 1298 (Barker) (Passed Senate; HED) requires the Department of Education to annually collect from each school board and publish on its website various enrollment and achievement data on alternative education programs for students who have been suspended, expelled, or otherwise precluded from attendance at school. The bill requires such data to be published in a manner that protects the identities of individual students and disaggregated by local school division and by student race, ethnicity, gender, and disability. (19102732D)

SB 1330 (Stanley) (SFIN) provides for a statewide referendum on the question of whether the General Assembly shall issue state general obligation bonds in the amount of \$3 billion for the purpose of K-12 school building construction, repair, or other capital projects related to the modernization of school facilities. The results would be advisory only and are intended only to demonstrate the preference of the citizens of the Commonwealth on developing such a commission. The referendum would be held at the November 2019 general election. (19104238D)

SB 1617 (Ruff) (SFIN) creates a grant program to assist qualified public institutions of higher education, defined in the bill, in reaching, by 2039, a goal of increasing, in the aggregate, the number of bachelor's and master's degrees awarded in computer science, computer engineering, and closely related fields by at least 25,000 degrees. To be eligible for an annual grant, a qualified institution is required to enter into a memorandum of understanding setting forth specific criteria for eligible degrees, eligible expenses, and degree production goals. The bill requires qualified

institutions that are grant recipients to report annually on progress towards meeting such goals and that grants issued pursuant to the program are subject to appropriation. (19102502D)

School Calendar

HB 1652 (Robinson) (HED)/**SB 1005** (Chase) (SEH) makes local school boards responsible for setting the school calendar and determining the opening day 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. The bill requires local school boards that set the school calendar with a pre-Labor Day opening date, except those schools that were granted a "good cause" waiver for the 2018-2019 school year, to close all schools in the division from (i) the Thursday immediately preceding Labor Day through Labor Day or (ii) the Friday immediately preceding Labor Day through the Tuesday immediately succeeding Labor Day. (19100409D, 19100072D)

HB 2140 (Thomas) (HED) permits the Board of Education to waive the requirement to set the school calendar so that the first day students are required to attend school must be after Labor Day for any school board that certifies to the Board of Education that the school division is entirely surrounded by school divisions that each have an opening date prior to Labor Day in the school year for which the waiver is sought. (19102568D)

SB 1074 (Howell) (SEH)/**SB 1113** (Favola) (SEH) provides that the local school board of a school division located in Planning District 8 shall be responsible for setting the school calendar and determining the opening day of the school year. (19100745D, 19100736D)

Elections

HB 1800 (Heretick) (HPE) provides that the Board of Corrections shall make, adopt, and promulgate rules and regulations regarding the provision of information on absentee voting to all persons confined in a local correctional facility who may be eligible to vote and information on the process of applying for a restoration of civil rights and of voting rights for those persons who have been convicted of a felony. (19101475D)

HB 2046 (McNamara) (HPE) requires that on any ballot all offices to be elected shall appear before any questions presented to the voters. (19102880D)

SB 1016 (Chase) (Passed Senate) allows a candidate for a constitutional office who has been nominated by a political party or in a primary election to choose whether to be identified on the ballot by the name of his political party. (19100069D-E)

SB 1455 (Vogel) (Reported from SPE) continues and reestablishes the Department of Elections as an independent agency that includes a Commissioner of Elections and the State Board of Elections. The State Board is continued as a supervisory board and its membership is increased from three to nine members, with terms of three years after an initial staggering of terms. The Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules each appoint three members; of those three, two members represent the political parties receiving the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial

election, and one is a former judge of a court of record. Under the bill, the State Board is responsible for appointing a Commissioner of Elections and has the authority to remove the Commissioner of Elections; such appointment or removal requires an affirmative vote of six of the nine Board members. The bill places restrictions on political activities of State Board members, the Commissioner, and employees of the Department. (19105523D-S1)

State Board of Elections

HB 1620 (Ransone) (HPE) increases the membership of the State Board of Elections (Board) from three members to six members and increases the terms of Board members from four years to six years. Equal representation shall be given to each of the political parties having the highest and next highest number of votes in the Commonwealth at the last preceding gubernatorial election. Appointments shall be made with due consideration of geographical representation, and no two Board members may reside in the same congressional district. Terms are initially staggered. The bill also grants to the Board the authority to appoint, subject to confirmation by the General Assembly, the Commissioner of Elections to head the Department of Elections and to act as the principal administrative officer. Additionally, the Board has the authority to remove the Commissioner. The appointment or removal of the Commissioner shall require an affirmative vote of five of the six Board members. The bill also directs the Department of Elections to employ a Director of Operations, who is to be responsible for managing the day-to-day operations at the Department. The bill requires the Board to submit an annual report to the Governor and the General Assembly. (19100589D)

Environment

HJ 597 (Krizek) (HRUL) requests the Department of Environmental Quality to study the economic impact of litter on fishing, farming, water quality, and other components of Virginia's economy and to propose strategies, campaigns, and necessary state actions to protect the economy of the Commonwealth from harm caused by litter and promote Virginia's economic welfare. (19101046D)

Health and Human Services

HB 2457 (Landes) (HHWI) provides that the Board of Medicine may issue an inactive license to any doctor of medicine, osteopathy, podiatry, or chiropractic who holds a valid license to practice in the Commonwealth upon receipt of a request made upon application for renewal of such license and submission of the required fee. The bill provides that a person to whom an inactive license has been issued shall not be required to meet continuing competency requirements and shall not engage in the practice of medicine, except that such person may provide charity care or in-home health care to patients for whom travel is a barrier to receiving health care. (19103907D)

HB 2569 (LaRock) (HHWI) authorizes any county adjacent to a county that has adopted the urban county executive form of government (the Counties of Arlington, Loudoun, and Prince William) to, by ordinance, provide for (i) the regulation and licensing of persons who provide child-care services for compensation and (ii) the regulation and licensing of child-care facilities. (19101245D)

SB 1004 (Chase) (Senate Floor) requires practitioners licensed by the Board of Medicine and hospitals to provide a patient or the representative of a patient scheduled to receive a nonemergency procedure, test, or service to be performed by the practitioner or hospital, at least three days in advance of the date of such procedure, test, or service, an estimate of the payment amount for which the participant will be responsible. Under current law, the requirement to provide such estimate applies only to hospitals for elective procedures, tests, or services and only upon request. (19104197D-S1)

SB 1488 (Hanger) (Passed Senate) directs the Department of Behavioral Health and Developmental Services to study and develop recommendations for addressing the treatment needs of individuals with complex medical needs who are experiencing a mental health crisis and require mental health treatment. The Department shall report its findings and conclusions to the Joint Subcommittee Studying Mental Health Services in the Commonwealth in the 21st Century by December 1, 2019. (19104970D-S1)

SB 1526 (Sturtevant) (SEH) repeals the requirement for a certificate of public need for certain projects involving mental hospitals or psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse. The bill creates a new permitting process for such projects, exempted from the certificate of public need process, that requires the Commissioner of Health to issue a permit upon the agreement of the applicant to certain charity care conditions and quality of care standards. (19101382D)

SJ 301 (Deeds) (SRUL) continues the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the Twenty-First Century for two additional years, through December 1, 2021. (19103005D)

Tobacco Products

HB 2748 (Stolle) (HCT) increases the minimum age for persons prohibited from purchasing or possessing tobacco products, nicotine vapor products, and alternative nicotine products, and the minimum age for persons such products can be sold to, from 18 years of age to 21 years of age. The bill also allows tobacco products, nicotine vapor products, and alternative nicotine products to be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to persons under 21 years of age. Under current law, tobacco products may be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to minors. (19104561D)

SB 1727 (Norment) (Reported from SCT) increases the minimum age for persons prohibited from purchasing or possessing tobacco products, nicotine vapor products, and alternative nicotine products, and the minimum age for persons such products can be sold to, from 18 years of age to 21 years of age. The bill also allows tobacco products, nicotine vapor products, and alternative nicotine products to be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not

generally accessible to persons under 21 years of age. Under current law, tobacco products may be sold from a vending machine if there is posted notice of the minimum age requirements and the machine is located in a place that is not open to the general public and not generally accessible to minors. (19105440D-S1)

Technology

HB 1900 (Davis) (HST) establishes the Health Care Provider Credentials Data Solution Fund for the purpose of soliciting proofs of concept to establish or improve a system for the storage and accessing of health care provider credentials data, utilizing blockchain or a similar technology, to be maintained by the Department of Health Professions. The Fund authorizes the Secretary of Health to disburse matching funds on at least a one-to-one basis to any person who demonstrates such proof of concept. This is a recommendation of the Joint Commission on Technology and Science. (19101617D)

HB 1978 (Sullivan) (HAPP) requires the Superintendent of Public Instruction to establish and appoint no more than 12 members to the Digital Citizenship, Internet Safety, and Media Literacy Advisory Council (Council), including at least one teacher, librarian, representative of a parent-teacher organization, school administrator, and individual with expertise in digital citizenship, Internet safety, and media literacy. The bill requires the Council to (i) develop and recommend to the Board of Education for adoption a model policy for local school boards that would enable such school boards to better support the digital citizenship, Internet safety, and media literacy of all students in the local school division; (ii) develop and recommend to the Board for adoption model instructional practices for the safe, ethical, and responsible use of media and technology by students in public elementary and secondary schools; (iii) design and post on the Department of Education's website a page with links to successful instructional practices, curricula, and other teacher resources used in school divisions within and outside of the Commonwealth for the safe, ethical, and responsible use of media and technology by students; and (iv) submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than October 31, 2020. The bill has an expiration date of July 1, 2021. (19100531D)

HB 2031 (McGuire) (HST) requires the Department of Education to establish and appoint members to a task force for the purpose of establishing a program and standards for the designation of any public middle school or high school in the Commonwealth as a cyber center of excellence. The bill requires such program and standards to, at minimum, (i) establish a competitive process by which local school boards may apply to the Department of Education to designate any middle school or high school in the local school division as a cyber center of excellence and (ii) require applicants to demonstrate the ability to (a) provide high-quality programs and curricula for the development of the computer skills of enrolled students, (b) identify enrolled students with an aptitude for such programs and curricula, and (c) assist such students in developing their computer skills in order to be better prepared to meet the Commonwealth's growing demand and unmet need for cybersecurity professionals. The bill requires the task force to create and distribute to each local school board guidelines, procedures, and best practices for applications for the designation of schools as cyber centers of excellence. (19100455D)

Transportation

HB 2315 (Hodges) (HRUL) directs the Department of Transportation, in collaboration with the Commonwealth Center for Recurrent Flooding Resiliency, to identify public transportation infrastructure at risk of flooding or deterioration due to flooding and to develop a plan for managing such assets. (19102325D)

HB 2441 (Wilt) (HCT) requires the Department of Motor Vehicles to issue a special identification card without a photograph to a person with a sincerely held religious belief prohibiting the taking of a photograph who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029. The bill allows a special identification card without a photograph to be similar in size, shape, and design to a driver's license but requires (i) that it be clearly distinguishable from a driver's license, (ii) that it not include a photograph of its holder, and (iii) that it clearly state that (a) the card does not authorize the holder to operate a motor vehicle, (b) federal limits apply, and (c) the card is not valid identification to vote. The bill provides that giving false information, concealing a material fact, or otherwise committing a fraud in applying for a special identification card without a photograph is guilty of a Class 2 misdemeanor and that obtaining a special identification card without a photograph for the purpose of committing any offense punishable as a felony constitutes a Class 4 felony. The bill contains technical amendments. This bill is the result of a study conducted by the Department of Motor Vehicles. (19100181D)

HB 2489 (Jones, J.C.) (HTRAN) requires the Commissioner of Highways to temporarily suspend toll collection operations in affected evacuation zones and affected areas during any mandatory evacuation. Current law authorizes the Commissioner, in his discretion, to temporarily suspend toll collection operations in cases of emergency and concern for public safety. (19101335D)

HB 2594 (LaRock) (Reported from HTRAN) adds traffic incident management vehicles, defined in the bill, to be exempt from certain traffic regulations when responding to an emergency. The bill also allows such vehicles to be equipped with flashing red or red and white warning lights, and sirens. (19105422D-H1)

HB 2737 (Bagby) (HTRAN) directs the Department of Transportation, in partnership with the Department of Rail and Public Transportation, to place and maintain appropriate signs along highways indicating the presence and direction of nearby Amtrak or intercity passenger rail stations. The bill provides that such signs will be paid for by the Intercity Passenger Rail Operating and Capital Fund. (19105620D)

HB 2759 (Sickles) (HRUL) directs the Department of Motor Vehicles, in consultation with the State Corporation Commission and the Department of Taxation, to convene a work group to study the implications of electronic peer-to-peer vehicle rental services. (19104491D)

HB 2795 (Torian) (HTRAN) provides that the Department of State Police may operate a handheld photo speed monitoring device, defined in the bill, in or around a highway work zone for the purpose of recording images of vehicles that are traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit within such highway work zone when (i) workers

are present and (ii) such highway work zone is indicated by appropriately placed signs displaying the maximum speed limit and the use of such handheld automated speed monitoring device. The bill also provides that the operator of a vehicle shall be liable for a monetary civil penalty, not to exceed \$125, if such vehicle is found to be traveling at speeds of at least 12 miles per hour above the posted highway work zone speed limit by the handheld photo monitoring device. (19105198D)

HB 2800 (Garrett) (HTRAN) requires the Commissioner of Highways to report annually by December 1 to the Governor, the General Assembly, and the Commonwealth Transportation Board regarding overweight trucks. This report is in addition to other reports the Commissioner is required by law to submit. The bill expires on January 1, 2021. (19105145D)

SB 1425 (Dunnivant) (Senate Floor) provides that when the owner of a mobile food unit, defined as a restaurant mounted on wheels and readily moveable at any time during its operation, pays any license tax in the county or city in which the mobile food unit is registered and in which property taxes are paid, no other license shall be required in any other county, city, or town in the Commonwealth. (19102489D)

SB 1510 (Carrico) (STRAN) provides that only towing requests made by local law-enforcement officers are subject to local ordinances regulating towing services for unattended, abandoned, or immobile vehicles. (19101888D)

SB 1535 (Surovell) (STRAN) requires the owner of a sign located along an Interstate System highway that has a height that is greater than the distance from such sign to the shoulder edge of the pavement to have such sign periodically inspected for building code compliance. The bill authorizes the Commissioner of Highways to remove any such sign without notice and at the cost of the owner if the sign poses a risk to highway safety or public safety. (19102227D)

SB 1550 (Surovell) (STRAN) provides that a person who operates a motor vehicle in a careless or distracted manner and is the proximate cause of serious physical injury to a vulnerable road user, defined in the bill as a pedestrian or person riding a bicycle, electric wheelchair, electric bicycle, wheelchair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle, is guilty of a traffic infraction. The bill prohibits the driver of a motor vehicle from using or crossing into a bicycle lane to pass or attempt to pass another vehicle. (19104047D)

SB 1733 (Cosgrove) (STRAN) directs the Department of Motor Vehicles, in consultation with the State Corporation Commission and the Department of Taxation, to convene a work group to study the implications of electronic peer-to-peer vehicle rental services. (19104516D)

SB 1775 (Carrico) (STRAN) requires the Commissioner of Highways to report annually by December 1 to the Governor, the General Assembly, and the Commonwealth Transportation Board regarding overweight trucks. This report is in addition to other reports the Commissioner is required by law to submit. The bill expires on January 1, 2021. (19104683D)

SB 1784 (Boysko) (STRAN) authorizes traffic incident management vehicles, defined in the bill, to be (i) equipped with flashing red or red and white warning lights, (ii) exempt from certain traffic regulations in particular situations, and (iii) equipped with a siren, exhaust whistle, or air horn. The

bill adds traffic incident management vehicles to the list of stopped vehicles for which the operator of a motor vehicle must move over or proceed with caution. (19104564D)

Transportation Funding/Allocation

NVTA Funding

HB 2085 (Watts) (HRUL) Raises the existing regional transportation fee, a grantor's tax, from \$0.15 per \$100 to \$0.20 per \$100 for localities in the Northern Virginia Transportation Authority that are also members of the Northern Virginia Transportation District. The bill requires half of the revenues to be deposited in the Northern Virginia Transportation Authority Fund and half to be deposited in the Washington Metropolitan Area Transit Authority (WMATA) Capital Fund. The rate of tax in the other localities will remain at \$0.15 per \$100, with one-third of the revenues to be retained by the locality to be used for transportation purposes and the other two-thirds to be deposited in the Northern Virginia Transportation District Fund. The bill also raises the existing transient occupancy tax in the localities located in the Northern Virginia Transportation District from \$2 to \$3, with all of the revenues from the tax being used to support WMATA. (19101608D)

Northern Virginia Tolling

HB 2511 (Hugo) (HTRAN) sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. for eastbound lanes and from 4:00 p.m. to 6:30 p.m. for westbound lanes. (19101594D)

HB 2527 (Hugo) (HTRAN) prohibits the imposition and collection of tolls on any primary, secondary, or urban highway in Planning District 8 not tolled as of January 1, 2019, without prior approval by the General Assembly. (19102826D)

Northern Virginia Funding Allocations

HB 2633 (Delaney) (HTRAN) prohibits the Commonwealth Transportation Board from prioritizing a project that is likely to increase congestion over a project that would not increase congestion during the statewide prioritization process, commonly known as SMART SCALE. (19103554D)

Interstate 81

HB 2571 (LaRock) (HTRAN) creates the Interstate 81 Corridor Transportation Commission, embracing the localities located in planning districts 3, 4, 5, 6, and 7. The Commission would be responsible for allocating any revenues dedicated to it by the General Assembly for improvements within the Interstate 81 corridor. (19102937D)

HB 2718 (Landes) (HRUL)/**SB 1716** (Obenshain) (SFIN) authorizes the Commonwealth Transportation Board (the Board) to impose tolls on Interstate 81, subject to conditions and limitations set forth in the bill. If the Board implements the tolls, it would also be required to offer annual toll passes for passenger vehicles. Revenues from such tolls would be deposited in the Interstate 81 Corridor Improvement Fund, established by the bill, and be used for capital,

operating, and improvement costs along the Interstate 81 corridor. In allocating such revenues, the Board would develop and update, in consultation with an Interstate 81 Committee established by the bill, an Interstate 81 Corridor Improvement Program. (19102260D)

SB 1322 (Hanger) (SFIN) imposes an additional 2.1 percent tax on motor fuels sold at wholesale to a retail dealer for sale in a locality along the Interstate 81 Corridor. The revenues from the tax would be deposited into an Interstate 81 Corridor Improvement Fund, to be used by the Commonwealth Transportation Board to fund improvements along the corridor or to support debt to fund such improvements. (19103063D)

SB 1470 (Edwards) (SFIN) imposes an additional motor fuels tax equal to five percent of the average wholesale price of gasoline on the sale of gasoline, gasohol, diesel, and alternative fuels. \$300 million of the new revenues would be reserved for improvements to Interstate 81, and the remainder would be distributed pursuant to existing allocation formulas for statewide transportation needs. (19102496D)

SB 1749 (McDougle) (STRAN) creates the Robert O. Norris Bridge and Statewide Special Structure Fund to fund the maintenance and replacement of large and unique structures. The bill directs the Commonwealth Transportation Board to undertake a comprehensive review of the current and future condition of pavements and bridges and create a plan that includes the funding needs of large and unique transportation structures in the Commonwealth. (19104284D)