



County of Fairfax, Virginia

MEMORANDUM

DATE: January 23, 2018

TO: Board of Supervisors

FROM: Bryan J. Hill, County Executive *B. Hill*

SUBJECT: 2018 Legislative Report No. 1—Board Legislative Committee Meeting of January 19, 2018

The regular 2018 Session of the Virginia General Assembly convened on January 10, 2018 and is scheduled to adjourn on March 10, 2018. This is a “long” session of 60 days.

The 2018 General Assembly has been very active and the volume of legislation is comparable to years past. As of January 21, 2,837 bills and resolutions have been introduced. The majority of this legislation remains in various subcommittees and is expected to move forward in the coming weeks.

The Legislative Committee met on January 19 to consider several issues of importance to the County. The Committee offers the following report and recommendations for action to the Board.

Legislative Committee Actions of January 19, 2018:

Members Present: Legislative Chairman McKay
Chairman Bulova
Supervisor Cook
Supervisor Foust
Supervisor Gross
Supervisor Herrity
Supervisor Hudgins
Supervisor Smith
Supervisor Smyth
Supervisor Storck

Specific Issues

Budget Update: The Committee received a summary of budget items submitted by former Governor McAuliffe and their respective impacts on the County, including K-12 education funding; state aid to local police departments; and other proposals related to budget priorities in the County's Legislative Program. More detailed information may be found in the chart provided on handwritten pages 61-76 of the attachments to this memorandum.

Pending Washington Metropolitan Area Transit Authority (WMATA) and Statewide Mass Transit Legislation: The Committee received an update on the pending legislation to address funding and governance reform for WMATA as well as statewide mass transit funding (see handout on handwritten pages 77-78).

Federal Tax Reform Presentation: The Committee received copies of the Virginia Department of Taxation's presentation on the impact of federal tax reform on the Commonwealth of Virginia (see handout on handwritten pages 79-100).

Priority Principles for Reviewing Legislation

- 1. Adequately fund K-12 education.**
- 2. Support dedicated funding and governance reforms for Washington Metrorail, in order to ensure the success of this critical transit system.**
- 3. The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.**
- 4. Restore the funding partnership between the state and localities through adequate state funding.**
- 5. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.**

Specific Legislation

County Initiative

HB 517 (Bell, Robert B.) (HCT)/**SB 392** (Barker) (SCT) provides that a petition for the involuntary commitment of a minor shall not be dismissed for failure to immediately serve both parents with a copy of the petition and notice of the hearing if one parent is present at the hearing and the judge determines that a reasonable effort was made to notify the other parent. (18102875D, 18103640D)

Historical Positions of the Board

SUPPORT

HB 642 (Hope) (HCT) provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may instead be published in an online publication. The bill further specifies the

requirements for such online publication. Support; Board has historically supported the concept. (18100184D)

HJ 2 (Kory) (HPE)/**HJ 4** (Lopez) (HPE)/**HJ 129** (Robinson) (HPE)/**SJ 4** (Surovell, Wexton, Kory) (SRUL) ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. Support; Board has historically supported. (18101472D, 18101628D, 18105037D, 18100396D)

SB 242 (Marsden) (SLG) grants immunity from liability in any civil action to park authorities created pursuant to the Park Authorities Act (§ 15.2-5700 et seq.) for damages caused by ordinary negligence on the part of any officer or agent of such park authority in the maintenance or operation of any such park, recreational facility, or playground. Support; Board has historically supported. (18101504D)

SB 827 (Howell) (SCT) increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security. Support; Board has historically supported. (18103979D)

Elections

HJ 113 (Sickles) (HRUL) directs the Joint Legislative Audit and Review Commission to study the streamlining of special elections in the Commonwealth. In conducting its study, JLARC shall (i) review the current laws governing special elections, (ii) evaluate the costs borne in recent years by the localities to conduct special elections as compared to voter turnout at such elections, and (iii) consider options for a cohesive set of laws to govern special elections and for scheduling special elections, including the merits of establishing a uniform schedule. General registrars, members of local electoral boards, and other election administrators will be invited to participate in the study. Support; Board has historically supported. (18102098D)

Absentee Voting

HB 186 (Hayes) (HPE)/**HB 1134** (Aird) (HPE)/**SB 4** (Ebbin) (SPE)/**SB 164** (Wexton) (SPE)/**SB 277** (Barker) (SPE)/**SB 453** (Mason) (SPE) entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election. Support; Board has historically supported. (18101097D, 18103589D, 18100495D, 18100995D, 18103562D, 18101939D)

HB 1058 (Tran) (HAPP) requires the State Board of Elections to establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Under the pilot program, those uniformed-service voters shall be permitted to sign the military-overseas

ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. The State Board is directed to request proposals for the development and maintenance of the system used for the pilot program and to provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The bill has an expiration date of July 1, 2020. Support concept; Board has historically supported concept. Implementation issues need to be resolved. (18104655D)

SB 559 (DeSteph) (SPE) requires the State Board of Elections to establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Under the pilot program, those uniformed-service voters shall be permitted to sign the military-overseas ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. The State Board is directed to request proposals for the development and maintenance of the system used for the pilot program and to provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The provisions of the bill are contingent on funding in a general appropriation act. The bill has an expiration date of July 1, 2020. Support concept; Board has historically supported concept. Implementation issues need to be resolved. (18100152D)

No Excuse Absentee Voting in Person

HB 835 (Bagby) (HPE)/**SB 254** (Dance) (SPE) provides that any registered voter may vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason for being unable to vote in person on election day. The bill retains the statutory list of reasons allowing a voter to cast an absentee ballot by mail. Support; Board has historically supported. (18102486D, 18102273D)

Health and Human Services

HB 169 (Murphy) (HHWI) extends to July 1, 2023, the sunset of the provision requiring disclosure of certain information to a patient when a Lyme disease test is ordered. Under current law, the disclosure requirement will expire on July 1, 2018. Support; Board has historically supported. (18103474D)

HB 945 (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. Support; Board has historically supported. (18101638D)

SB 203 (Favola) (SFIN) provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a first-time felony offense of possession with intent to distribute more than one-half ounce but not more than five pounds of marijuana, provided that he complies with all obligations imposed by the criminal court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings. Current law prohibits denial of such benefits only if such persons have been convicted of felony possession of a controlled substance. Support; Board has historically supported. (18102659D)

SB 204 (Favola) (SFIN) 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 first-time felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed a substance abuse treatment program, and participates in drug screenings. The bill provides that a person who fails or refuses to participate in periodic drug testing or who tests positive for the use of illegal substances shall be ineligible to receive TANF benefits for a period of 12 months; however, such person is given one opportunity during the 12-month period to comply with the testing requirement and be reinstated to eligibility for TANF benefits. Support; Board has historically supported. (18102662D)

Sexual Orientation/Gender Identity

HB 401 (Levine) (HGL) prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill codifies existing prohibited discrimination in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments. Support; Board has historically supported. (18101020D)

SB 202 (Ebbin) (SGL) prohibits discrimination in public employment on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Support; Board has historically supported. (18100785D)

Fair Housing Law

HB 971 (Guzman) (HGL) adds discrimination based on gender identity as an unlawful housing practice under the Virginia Fair Housing Law. The bill also defines "gender identity." Support; Board has historically supported. (18103628D)

SB 423 (Wexton) (SGL) adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines sexual orientation and gender identity. Support; Board has historically supported. (18100962D)

Transportation

HB 464 (Carter) (HTRAN) clarifies the duties of vehicle drivers to stop to allow pedestrians to cross highways at (i) clearly marked crosswalks, whether at mid-block or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill contains technical amendments. Support; Board has historically supported. (18101658D)

OPPOSE

SB 336 (Peake) (SGL) requires that every public body afford an opportunity for public comment during any open meeting. The bill requires that the notice given by a public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. The bill permits public bodies to choose the approximate point during the meeting when public comment will be received and permits public bodies to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner. Oppose; Board has historically opposed. (18103103D)

SB 523 (Obenshain) (SFIN) requires electronic pollbooks to contain the photographs of registered voters that are obtained by the general registrars in the production of voter photo identification cards or contained in a voter's Department of Motor Vehicles record. The bill also provides that if the electronic pollbook contains the voter's photograph, the officer of election is required to access that photograph and the voter is not required to present one of the statutorily required forms of identification. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph. The bill has a delayed effective date of July 1, 2019. Oppose; Board has historically opposed. (18103159D)

Immigration

HB 1257 (Cline) (HCT) provides that no locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. The General Assembly shall reduce state funding to the extent permitted by state and federal law to any locality found to have violated the provisions of the bill. Oppose; Board has

historically opposed. Scope of bill is significant and not well-defined. Requires local enforcement of federal laws that are currently permissive, and constitutes an unfunded mandate.

School Funding

HJ 91 (Webert) (HRUL) requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable real estate devoted to (a) agricultural use, (b) horticultural use, (c) forest use, and (d) open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the composite index of local ability to pay for each such locality after taking into consideration such use values. Oppose; Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living. (18101824D)

SB 537 (Hanger) (SEH) requires the General Assembly to modify the current standards of quality funding formula and calculation of composite index of local ability to pay to incorporate within the real estate indicator of local wealth the land-use assessment value for those properties located within a land-use plan. Oppose; Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living. (18100437D)

Transportation

HB 1292 (Hugo) (HTRAN) provides that prior to the adoption of or amendment to any comprehensive plan in Planning District 8 (Northern Virginia) or review of a proposed rezoning in Planning District 8, the Department of Transportation shall consider the transportation impact of the proposed plan or rezoning and name any transportation facility for which a reduction in the level of service is anticipated as a result of the proposed plan or rezoning. Current law provides for such review for any transportation facility having a functional classification of minor arterial or higher for which an increase in traffic volume is expected to exceed the capacity of the facility as a result of the change. The bill requires that if the proposed comprehensive plan or rezoning is within Planning District 8, the locality shall propose one or more transportation projects in its local transportation plan, or within the regional transportation plan, to ensure no reduction of service to any transportation facility affected by the plan or rezoning. Oppose; Board has historically opposed. (18103787D)

AMEND

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

move to a different principal place of residence and still claim the tax exemption. Amend to support as a state tax credit; Board has historically recommended amendment. (18100171D)

HJ 6 (Miyares) (HPE) provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the surviving spouse's moving to a different principal place of residence. Amend to support as a state tax credit; Board has historically recommended amendment. (18100166D)

HB 565 (Gooditis) (HRUL) places a three-year moratorium on the installation of synthetic turf that contains recycled crumb rubber from waste tires within the boundaries of a public or private elementary or secondary school, public or private preschool, or recreational park by any (i) public or private elementary or secondary school, (ii) public or private preschool, or (iii) local governing body. The bill also requires the Virginia Department of Health, in coordination with the Virginia Department of Conservation and Recreation and the Virginia Department of Education, to analyze the potential adverse health effects of synthetic turf that contains recycled crumb rubber from waste tires and report its findings to the General Assembly no later than July 1, 2019. Amend to remove moratorium on installation of synthetic turf while a comprehensive study is conducted. Board has historically recommended amendment. (18100899D)

New Bills – 2018 GA

Administration of Government

HB 270 (Boysko) (HAG) authorizes localities to adopt ordinances prohibiting the sale in a pet shop of any dog or cat that was not obtained from a Virginia releasing agency or a nonprofit animal rescue organization. The bill provides that a violation of the ordinance shall be a Class 1 misdemeanor. Support. (18102649D)

SB 588 (Ebbin) (SRSS) allows annual mixed beverage special events licenses to be issued to localities for use at museums or other facilities owned by the locality and used primarily for historic interpretation. Amend to allow licenses for Park Authority facilities. (18103717D)

SB 613 (Surovell) (SCT) provides that when a local governing body is named as a deponent, it shall designate one or more members of such body to serve as a deponent on its behalf. The bill provides that such designee and his testimony shall be subject to all of the same duties, responsibilities, and consequences as a corporate or organizational deponent as determined by the rules of court. Oppose. (18101221D)

SB 616 (Surovell) (SCT) provides that no person who is sued in a civil cause of action and who is immune from liability under Virginia law may claim such immunity if his actions that gave rise to the civil cause of action would otherwise be covered by an insurance policy. Oppose. (18103488D)

Courts

HB 743 (Leftwich) (HCT)/**SB 525** (Obenshain) (SCT) increases or decreases the maximum number of judges in select judicial districts and circuits to reflect the number of authorized judgeships recommended by the Supreme Court of Virginia in the 2017 "Virginia Judicial Workload Assessment Report." Support. (18101400D, 18101399D)

HB 996 (Gilbert) (HCT) requires the Department of Criminal Justice Services (Department) to annually review each pretrial services agency to determine compliance with its biennial plan and operating standards. Current law requires the Department to review each pretrial services agency periodically. The bill also requires the Department to report annually to the Governor and the General Assembly on the performance of each pretrial services agency. This bill is a recommendation of the Virginia State Crime Commission. Support. (18103933D)

HB 997 (Gilbert) (HCT) repeals the Pretrial Services Act (§ 19.2-152.2 et seq.). The Act authorized the establishment of local pretrial services agencies that were intended to assist judicial officers in making bail determinations. The bill has a delayed effective date of July 1, 2019. Oppose. (18103124D)

SB 224 (Petersen) (SCT) provides that any property seized shall be released to the owner or lienholder within one year from the date of seizure unless an information has been filed against

the property or the attorney for the Commonwealth files a petition to stay the release of such property. The bill provides that such petition shall allege that the property seized is an integral part of an investigation and that such property cannot be returned without jeopardizing such investigation. The bill provides that the owner or lienholder may file a response to the petition within 30 days of the filing of such petition and that, if a response is filed, the Commonwealth must prove by a preponderance of the evidence that the property is an integral part of an investigation. Oppose; legislation relates to pending litigation. (18101669D)

SJ 58 (Surovell) (SRUL) requests the Office of the Executive Secretary of the Supreme Court of Virginia to study the use and impact of law clerks on judicial workload and work product, including potential costs to the Commonwealth to provide funds for law clerks in all circuit courts. Support. (18101458D)

Elections

HB 265 (Turpin) (HPE)/**HB 568** (Gooditis) (HPE) extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill contains technical amendments. Support with adequate state funding for implementation. (18103752D, 18101395D)

Absentee Voting

HB 57 (Herring) (HPE)/**HB 1072** (Heretick) (HPE)/**SB 114** (Locke) (SPE) allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section. Support. (18100938D, 18103012D, 18101566D)

HB 92 (Sullivan) (HPE) entitles a person to vote absentee if he is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled individual who is confined at home. Currently, such caregivers are entitled to vote absentee only if the ill or disabled individual who is confined at home is a family member of the caregiver. Support. (18101186D)

HB 733 (Carr) (HPE)/**SB 136** (Howell) (SPE)/**SB 602** (Ebbin) (SPE) allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting. Support with amendments to facilitate implementation. (18101802D, 18101090D, 18101803D)

SB 770 (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. Support with amendments to facilitate implementation. (18103486D)

Health

HB 791 (Pogge) (HED)/**SB 366** (Stuart) (SEH) excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12. Oppose; potential fiscal impact to Fairfax County is \$35.9 million. (18101961D, 18100682D)

HB 887 (Orrock) (HHWI) provides that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system and thus does not require a permit. Under current law, adjustment and replacement of such equipment requires the system owner to obtain a permit. Amend to allow County to continue local health inspections of onsite system repairs. (18101591D)

Human Services

HB 106 (Delaney) (HHWI)/**HB 1333** (Brewer)/**SB 636** (Dunnivant) creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program. Support. (18102122D, 18104179D, 18103106D)

HB 227 (Stolle) (Reported from HHWI) requires a circuit court, when determining whether an investigation by the director of the local department of social services should be required before a final order is entered to approve as an adoptive parent the spouse of a child's birth or adoptive parent, to consider the results of a national criminal history background check conducted on the prospective adoptive parent. Monitor. (18102229D)

HB 886 (Stolle) (HHWI) requires the Board of Health to include in regulations governing hospitals a provision that requires every hospital that provides inpatient psychiatric services to establish a protocol that requires, for every refusal to admit a patient for whom there is a question of medical stability or medical appropriateness for admission due to toxicology results, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who

is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists. Monitor. (18102884D)

HB 933 (Hope) (HCT) extends the time period for mandatory outpatient treatment for adults and juveniles from 90 days to 180 days. Monitor. (18102530D)

Adult Protective Services

HB 850 (Peace) (HCT)/**SB 543** (Mason) (SCT) requires courts issuing an emergency order for adult protective services to (i) appoint, when applicable, a temporary conservator with responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order and (ii) set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator. The bill allows the temporary conservator to petition the court to have the emergency order set aside or modified upon a substantial change in circumstances and requires the temporary conservator to submit to the court a report describing any services provided to the adult. Support. (18101127D, 18101949D)

Child Protective Services

HB 150 (Bulova) (Reported from HHWI)/**SB 184** (Favola) (Reported from SRSS) requires local departments of social services to notify the appropriate school board without delay if the subject of a founded complaint of child abuse or neglect was, at the time of the investigation or the conduct that led to the report, an employee of a school division located within the Commonwealth. Currently, such reporting is only required if the subject of the complaint is an employee of a school division at the time the complaint is determined to be founded. Monitor. (18101331D, 18101321D)

HB 196 (Bulova) (HAPP) provides that a person who appeals a determination by a local department of social services related to child abuse or neglect to a hearing officer designated by the Commissioner of Social Services may request a maximum of two extensions of the hearing upon a showing of compelling reasons to justify the extensions, which shall not exceed 90 days after the date on which the hearing was first scheduled to be held. Monitor. (18101323D)

HB 389 (Keam) (HHWI)/**SB 183** (Favola) (Reported from SRSS) requires local departments of social services to notify the Superintendent of Public Instruction without delay when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect. Monitor. (18101334D, 18101322D)

Land Use

HB 161 (Cole) (HCCT) adds general government facilities to those types of facilities that may be constructed pursuant to the power granted to service districts. Support. (18101893D)

HB 640 (Boysko) (HCCT) provides that a locality's comprehensive plan shall include strategies to provide broadband infrastructure that is sufficient to meet the current and future needs of residents and businesses in the locality. In the preparation of a comprehensive plan, broadband infrastructure shall be included among the matters that the local planning commission shall survey and study. Support. (18103572D)

HB 824 (Knight) (HGL) requires the City of Lexington to comply with various statutory provisions related to the short-term rental of property. Any business license that was illegally required by any ordinance in effect regulating short-term rentals shall be null and void, and any license taxes illegally collected for short-term rentals subject to any ordinance in effect shall be refunded. Any taxpayer who was illegally required to pay transient occupancy taxes for rental of real property for more than 30 days shall be refunded such payment. Any violations of this act by the City shall entitle a taxpayer who has been affected by the City's actions to recover a \$250 penalty per violation, with each such action by the City being a separate violation. Monitor. (18102104D)

HB 1526 (Plum) (Committee Referral Pending) provides that localities in Planning District 8 (Northern Virginia) have the option to enact ordinances that deem proposed telecommunications towers or facilities constructed by certain entities to be substantially in accord with the comprehensive plan if any such proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right, in which case local planning commission approval shall not be required. Under existing law, commission approval is not required for such proposed telecommunications towers and facilities statewide. Support. (18105094D)

SB 208 (Stuart) (SLG) repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses. Monitor. (18100268D)

SB 499 (Carrico) (Continued to 2019) prohibits a restriction imposed by a conservation easement from being enforced against any occupied single-family dwelling structure, including any outbuilding, shed, barn, garage, or driveway, or the land lying immediately underneath any such structure, for the purposes of additions, repairs, or sale. The bill authorizes the owner of an interest in real property burdened by the easement to terminate such easement in the event of financial hardship. Such owner shall be liable to the Department of Taxation for the full amount of any land preservation tax credits claimed or transferred by the owner that are related to the easement and shall pay any legal fees associated with the termination of the easement. Until such payments are made, such conservation easement shall be considered perpetual in duration unless otherwise provided in the instrument creating it. Oppose. (18101699D)

Eminent Domain

SB 278 (Petersen) (SCT) requires, upon final settlement or determination in an eminent domain proceeding, that any funds due to the land owner, whether such funds are in the possession of the court or are outstanding, shall be payable promptly to the land owner or to the land owner's attorney, if such land owner is represented by counsel. Amend to allow for releases from secured lienholders prior to payment. (18104221D)

Wireless Communications Infrastructure

HB 606 (Gooditis) (HRUL)/**HB 656** (LaRock) (HRUL)/ **SB 166** (Black) (SRUL)/**SB 189** (Favola) (SRUL) directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018. Support. (18104099D, 18103597D, 18101820D, 18102580D)

HB 1258 (Kilgore) (HLC)/**SB 405** (McDougle) (SCL) establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications, a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and limits on the number of new wireless support structures that can be installed in a specific location. The measure also prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. Oppose. (18102258D, 18101342D)

HB 1427 (Kilgore) (HLC)/**SB 823** (McDougle) (SCL) establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) or a locality for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that an existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-

way by a wireless services provider or wireless infrastructure provider may be enforced by VDOT or the locality only until the current term of the agreement, contract, license, easement, or permit expires. Oppose. (18104250D, 18104616D)

Opioids

HB 1172 (Pillion) (HHWI) establishes the State Overdose Death Review Process Team to develop and implement processes to ensure that overdose deaths occurring in the Commonwealth are reviewed in a systematic way. The bill also authorizes the establishment of local or regional overdose death review process teams for the purpose of conducting contemporaneous reviews of local overdose deaths in order to develop interventions and strategies for prevention specific to the locality or region. Support. (18102981D)

SB 399 (Lewis) (SEH) authorizes any county or city, or any combination of counties, cities, or counties and cities, to establish a local or regional drug overdose fatality review team for the purpose of (i) conducting contemporaneous reviews of local drug overdose deaths, (ii) promoting cooperation and coordination among agencies involved in investigations of drug overdose deaths or in providing services to surviving family members, (iii) developing an understanding of the causes and incidence of drug overdose deaths in the locality, (iv) developing plans for and recommending changes within the agencies represented on the local team to prevent drug overdose deaths, and (v) advising the Department of Health and other relevant state agencies on changes to law, policy, or practice to prevent overdose deaths. The bill authorizes a local or regional team to review the death of any person who resides in the Commonwealth and whose death was or is suspected to be due to drug overdose. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor. Support. (18101721D)

SB 436 (Wexton) (SEH) adds to Schedule I of the Drug Control Act a classification for fentanyl derivatives. Support. (18101586D)

SB 757 (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. Support. (18101914D)

SB 862 (Vogel) (SEH) requires that each pharmacy participate in a pharmacy drug disposal program in order to properly dispose of unwanted prescription drugs. Under current law, participation in such program is voluntary. Support. (18104343D)

Taxation

HB 786 (Keam) (HFIN) provides that on an appeal to court for relief from local taxes, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence, and on an appeal of the assessment of real or personal property that concerns an increase of more than 20 percent over the assessment for the same property for the prior tax year, except in cases of buildings constructed in the previous five years, the assessor shall have the burden of proving by a preponderance of the evidence that the assessment is correct. The bill also provides that an assessment constitutes manifest error if any one of three mistakes under current law was made. The bill contains technical amendments. Oppose. (18101855D)

HB 787 (Keam) (HFIN) provides that (i) on appeal of a real property assessment to a board of equalization, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence, and (ii) when the appeal involves an assessment of real property with an increase of more than 20 percent over the assessment for the same property for the prior tax year, except in cases of buildings constructed in the previous five years, the assessor shall have the burden of proving that the assessment is correct by a preponderance of the evidence. Oppose. (18101856D)

HB 1051 (Watts) (HFIN) applies the communications sales and use tax to services related to the streaming of audio and visual data, and prepaid calling. The bill also clarifies that the tax applies to communications services regardless of whether customers are charged a subscription fee, a periodic fee, or an actual usage fee. Support; support for modernizing the communications sales and use tax is in the County's Legislative Program. (18102521D)

HJ 98 (Byron) (HRUL) requests the Department of Taxation to study and make recommendations on the appeals process for valuation of real and personal property of businesses. Oppose. (18104018D)

Business Professional and Occupational Licenses (BPOL)

HB 966 (Davis) (HFIN) provides, for taxable years 2018 through 2022, a refundable credit against individual and corporate income taxes for a business's aggregate tax liability under the machinery and tools tax, the merchants' capital tax, and the business, professional, and occupational license (BPOL) tax. The bill imposes a sales tax on all services except business-to-business, educational, health care, and real estate services. The bill requires the Department of Taxation (the Department) to assert the Commonwealth's jurisdictional nexus to tax services to the maximum extent allowed by Virginia and federal law and requires any person that furnishes services valued at \$5,000 or more during a calendar year to register with the Department as a dealer. The bill provides that food purchased for human consumption shall be exempt from state sales tax. Under current law, food purchased for human consumption is taxed at a reduced state rate of 1.5 percent and a local rate of 1 percent. The bill eliminates the lowest two income tax brackets by providing that, starting with taxable year 2019, there shall be no income tax imposed on income of \$5,000 or less. Monitor. (18102193D)

Local Taxing Authority

SB 200 (Favola) (SLG) equalizes municipal taxing authority and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill has a delayed effective date of July 1, 2019, prior which to the Division of Legislative Services is directed to convene a working group to develop recommendations as to what additional legislative changes are needed to effectuate the provisions of the bill. Support with amendment to address technical issues; support for equal taxing authority is in County's Legislative Program. (18101468D)

Transportation

HB 59 (Bell, John J.) (HTRAN) requires the Department of Transportation to employ practical design methods for any highway system project, including all projects costing more than \$5 million. "Practical design methods" are defined in the bill as practices that incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility. Oppose unless amended to ensure community input can be addressed. (18101179D)

HB 134 (Bell, John J.) (HTRAN) raises the minimum project cost requiring the use of value engineering from \$5 million to \$10 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. Support. (18102443D with subcommittee amendments)

SB 117 (Favola) (STRAN)/**SB 125** (Black) (STRAN) raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. Support. (18102577D, 18101812D)

HB 308 (Watts) (HTRAN) prohibits the driver of a motor vehicle from using a bicycle lane to pass or attempt to pass another vehicle. Support. (18104182D)

HB 662 (Murphy) (HRUL) directs the Department of Transportation to complete the initial design and related assessments for remediating the American Legion Bridge and to submit the design and assessments in a report to the General Assembly in advance of the 2019 Regular Session. Support concept; amend to address implementation issues. (18103558D)

Distracted Driving

HB 116 (Webert) (HCT) authorizes any local governing body to adopt an ordinance prohibiting any person from driving a vehicle on any highway within the locality while failing to provide proper time and attention necessary for the safe operation of the vehicle where the manner of driving does not constitute reckless or improper driving. The bill provides that a violation of any such ordinance is punishable as a traffic infraction with a fine of not more than \$300. Support. (18101083D)

HB 177 (Bell, Richard P.) (HCT) prohibits a vehicle operator from using his hands to use a handheld personal communications device while driving. Current law only prohibits the use of a handheld personal communications device for certain purposes while operating a moving vehicle. The bill exempts any person who is using a radio-based communications device during an emergency or disaster relief operation or who is using a handheld personal communications device to initiate or terminate a telephone call; the bill maintains the current exemptions for any person who is stopped or parked, emergency personnel, and reporting an emergency. The bill also prohibits any person, while operating a moving motor vehicle, to (i) have an animal on his lap, (ii) permit an animal to impede his free access to and use of vehicle controls, or (iii) obstruct his vision. Monitor. (18101015D)

HB 180 (Collins) (HCT) expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purpose of navigation. The bill eliminates the current exemption from the prohibition on using a handheld personal communications device while operating a motor vehicle when the vehicle is stopped or not moving; the current exemption from the prohibition when the vehicle is parked is not affected. Monitor. (18101408D)

SB 74 (Surovell) (Reported from STRAN) expands the prohibition on using a handheld personal communications device while operating a motor vehicle to all communications unless the device is specifically designed to allow voice and hands-free operation and the device is being used in that manner. Current law prohibits only the reading of an 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 citizens band radio, (iii) by an operator who activates, deactivates, or initiates a factory-installed feature or function on the vehicle, (iv) by an operator of a Department of Transportation vehicle or vehicle operated pursuant to the Department of Transportation safety service patrol program during the performance of traffic incident management services, or (v) in response to an emergency. Monitor. (18105161D-S1)

Gas Tax

HB 668 (Kilgore) (HRUL) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the

state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax. The also allocates \$40 million annually from the Priority Transportation Fund, after making any required debt service payments, to each of the Salem highway construction district and the Bristol highway construction district. Of the \$40 million allocated to the Bristol highway construction district, \$30 million each year shall be designated for the construction and completion of U.S. Route 121, the Coalfields Expressway. Oppose unless amended to remove direct allocation to certain transportation districts. (18104460D)

HB 699 (Levine) (HRUL) provides that the tax that is imposed on the sales price of motor fuel in Northern Virginia shall be imposed on the regional price of gas, defined and computed as a six-month average price of fuel. The tax shall not be imposed on a regional price that is less than a gallon of gasoline on February 20, 2013, nor shall it be imposed a price that is more than \$4 per gallon. The bill also raises the rate of taxation of motor fuel in Northern Virginia from 2.1% to 3%. The bill also changes the regional gas tax in Hampton Roads from a percentage to a cents-per-gallon tax that decreases as the price of gas increases. The regional gas tax in Hampton Roads would have a floor of \$0.05 per gallon and a ceiling of \$0.14 per gallon and would be determined on the basis of the average wholesale price of unleaded regular gasoline. Support. (18104463D)

HB 768 (Jones) (HRUL) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax. Support. (18102993D)

HB 917 (Stolle) (HRUL) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013. Support. (18102733D)

HB 970 (Guzman) (HRUL) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013. Support. (18102548D)

HB 1083 (Filler-Corn) (HRUL) provides that the 2.1% tax that is imposed on the sales price of motor fuel in Northern Virginia and Hampton Roads shall be imposed on the regional price of gas, defined and computed as the six-month average price of fuel, for each region. The regional price used to calculate the tax shall not be less than the average statewide price of a gallon of unleaded regular gasoline on February 20, 2013. Support. (18104751D)

HB 1352 (Thomas) (HRUL) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax. Support. (18104418D)

SB 393 (Barker) (SFIN) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013. Support. (18103710D)

I-66 Express Lanes

HB 1256 (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. on the eastbound lanes and from 4:00 p.m. to 6:30 p.m. on the westbound lanes. Oppose. (18103655D)

HB 1284 (Hugo) (HTRAN) allows vehicles bearing clean special fuel license plates issued before July 1, 2011, to use the HOT lanes on Interstate 66 inside the beltway if the vehicle is equipped with an E-ZPass Flex transponder. The bill contains an emergency clause. Oppose. (18103649D)

HB 1291 (Hugo) (HTRAN) directs the Secretary of Transportation to renegotiate the agreement governing transportation facilities on Interstate 66 outside the Capital Beltway in an effort to coordinate tolling inside and outside the Capital Beltway once the tolling facilities outside the Capital Beltway are established. Oppose. (18104505D)

HB 1417 (Bulova) (HTRAN) sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. on the eastbound lanes and from 4:00 p.m. to 6:30 p.m. on the westbound lanes. Oppose. (18104045D)

Smart Scale

HB 72 (Thomas) (HTRAN)/**SB 207** (Stuart) (STRAN) requires the total cost of a transportation project to be considered in evaluating projects under the statewide prioritization process. The bill requires the Commonwealth Transportation Board to evaluate congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays. The bill imposes restrictions on projects receiving funding from the High Priority Projects Program that are evaluated under the statewide prioritization process. Oppose. (18102019D, 18100222D)

HB 103 (Cole) (HTRAN) directs the Department of Transportation to immediately commence a transportation project to add an additional lane of travel to that portion of Interstate 95 between Exit 126 in Spotsylvania County and Interstate 495 in both the north-bound and south-bound directions. Oppose; oppose because it circumvents the Smart Scale process. (18101688D)

HB 1263 (Kilgore) (HTRAN) provides that for the purposes of prioritizing projects in the Bristol Highway Construction District or the Salem Highway Construction District, the Commonwealth Transportation Board (Board) shall consider (i) the relative importance of secondary highways in such districts and (ii) only the following other factors: economic development, accessibility, and safety. Current law requires the Board to consider congestion mitigation, economic development, accessibility, safety, and environmental quality when prioritizing projects in all districts. Oppose; limiting scoring to certain factors will fundamentally change Smart Scale. (18104177D)

Environment

HB 922 (Bulova) (HGL) authorizes any locality or public institution of higher education, or the Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. The bill requires that the use of a retail fee-based electric vehicle charging station on property owned or leased by a locality be restricted to employees of the locality and authorized visitors and that such station be accompanied by appropriate signage that provides reasonable notice of such restriction. The bill exempts such a locality, public institution of higher education, or the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. Support. (18104708D)

SB 218 (Lewis) (Passed Senate) defines "beneficial use," "beneficiation facility," and "recycling center" and provides that a beneficiation facility or recycling center shall be considered a manufacturer for the purpose of any state or local economic development incentive grant. The bill directs the Department of Environmental Quality (the Department) to encourage and support beneficial use; current law requires the Department to encourage and support litter control and recycling. The bill also directs the Department to provide to the General Assembly by November 1, 2019, an evaluation of Virginia's solid waste recycling rates and a set of recommendations for improving the reliability of the supply of recycled materials during the next 10 years in order to provide for beneficial use. Monitor. (18104926D-S1)

Solar Facilities

HB 508 (Hodges) (HCCT)/**SB 429** (Stanley) (SLG) provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property

is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality. Monitor. (18103843D, 18104541D)

HB 509 (Hodges) (HCCT)/**SB 179** (Stanley) (SLG) provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right, (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2, or (iii) such solar facility is advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process. Monitor. (18103844D, 18103842D)

Stormwater

HB 1004 (Byron) (HAG)/**SB 367** (Newman) (SLG) provides that localities shall provide for full waivers of certain stormwater charges for public use airport runways and taxiways. Oppose. (18100851D, 18100804D)

Water Quality

SB 766 (Surovell) (SACNR) authorizes the Department of Environmental Quality (the Department) to use certain results of citizen water quality testing as evidence in enforcement actions. Such evidence is currently prohibited. The bill also directs the Department to consider in some cases data collected by a citizen group, regardless of whether the data conforms to the requirements set out in the Code of Virginia. Amend to ensure that data considered in regulatory actions conforms to the standards of quality and methods set forth in the Code and other applicable law. (18104064D)

K-12 Funding Studies

HJ 70 (Bloxom) (HRUL)/**HJ 115** (LaRock) (HRUL)/**SJ 29** (Spruill) (SRUL)/**SJ 56** (Sturtevant) (SRUL) directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality. Support; Fairfax County's Legislative Program includes support for adequate K-12 education funding. (18103694D, 18103648D, 18102145D, 18101324D)

HJ 112 (Rodman) (HRUL) requests that the Secretary of Education study the requirements for the full funding of the Standards of Quality by establishing a work group consisting of interested stakeholders to review the current methods and formulae that the General Assembly utilizes to fund the Standards of Quality, with a particular focus on any adjustments or additional funding required to provide free public education to low-income students, students who receive special

education, and English language learners. Support; Fairfax County's Legislative Program includes support for adequate K-12 education funding. (18103693D)

HJ 126 (Caroll Foy) (HRUL) directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the funds necessary to fully implement the Standards of Quality. Support; Fairfax County's Legislative Program includes support for adequate K-12 education funding. (18104123D)

Procurement

SB 312 (Edwards) (SGL) provides that construction performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as construction, notwithstanding any reference to "construction" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure also provides that professional services, such as engineering, performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as a professional service, notwithstanding any reference to "professional services" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure authorizes any contracting entity to purchase services under a solar services agreement, solar power purchase agreement, or solar self-generation agreement entered into by another contracting entity, even if it did not participate in the request for proposals, if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure specifies that project agreements for power purchase agreements that reference a master solar power purchase agreement, whether or not the master power purchase agreement is still in effect, shall be binding and effective stand-alone agreements for as long as the life of the project agreements, and may be used by a contracting entity to purchase services under a cooperative procurement agreement. The measure has a delayed effective date of January 1, 2019. Support. (18104236D)

Public Safety/ Criminal Justice

HB 307 (Watts) (HCT) provides that no seller or person acting for him shall remain upon the land, buildings, or premises of another in order to make or attempt to make a home solicitation sale to any person that he knows or reasonably should know resides in a dwelling unit located upon such land, buildings, or premises that has been posted with a no soliciting sign. A violation of this provision is punishable as a Class 1 misdemeanor. Support. (18104253D)

SB 495 (Carrico) (SFIN) creates the Deputy Sheriff Supplemental Salary Fund to provide funds for qualified localities to supplement the salaries of deputy sheriffs. Twenty percent of local fines generated by a local sheriff's office would be transferred by the circuit court clerk to the Fund to pay for such supplements. Oppose. (18100666D)

SB 497 (Carrico) (SCT) provides that the person in charge of any public building, place, conveyance, meeting, operation, or activity may detain any person who engages in disorderly

conduct for a period not to exceed one hour pending arrival of a law-enforcement officer. Monitor. (18101055D)

Legislation Provided for Discussion

Proffers

HB 89 (Bell, John J.) (HCCT) exempts onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable. Support elements that mitigate impacts of 2016 proffer legislation. (18101180D)

HB 163 (Ware) (HCCT)/**SB 458** (Peake) (SLG) authorizes a locality to base its assessment of a public facility's capacity on the projected impacts specifically attributable to previously approved residential developments, or portions thereof, that have not yet been completed when determining whether a proffer is unreasonable. The bill also removes language prohibiting a locality from accepting any unreasonable proffer; language prohibiting a locality from requesting any unreasonable proffer is retained. Support elements that mitigate impacts of 2016 proffer legislation. (18101462D, 18104595D)

HB 1446 (Sickles) (HCCT) conditional rezoning proffers; exempts urban county executive form of government. Support; support for restoration of unrestricted local authority to accept cash and in-kind proffers from developers is in the County's Legislative Program. (18105323D)

SB 469 (Reeves) (SLG) removes restrictions on the types of proffers a locality may request or accept in connection with a rezoning or proffer condition amendment as a condition of approval of a new residential development or residential use. The bill removes a restriction on denying an application on the basis of a failure or refusal to submit an unreasonable proffer or proffer condition amendment. The bill also removes a requirement that a proffer be made only when the new development will create a need in excess of the existing public facility capacity. The bill removes the requirement that a court hearing the appeal of a rezoning or amendment to an existing proffer action presume, absent clear and convincing evidence to the contrary, that the initial refusal or failure to submit an unreasonable proffer was the controlling basis for the denial of the application when the applicant can show by a preponderance of the evidence that it refused or failed to submit an unreasonable proffer. The bill removes the right of an applicant appealing a rezoning or amendment to an existing proffer action to recover reasonable attorney fees and costs. The bill removes a requirement that a reviewing court remand the action with a direction to approve the rezoning or proffer condition amendment. The bill eliminates an exception to proffer restrictions for a new residential development or residential use in a small area comprehensive plan. Oppose. (18100807D)

SJ 13 (Black) (SRUL) establishes a joint committee of the Senate Committee on Local Government and the House Committee on Counties, Cities and Towns to study the 2016 conditional rezoning proffer reform bill. In conducting its study, the joint committee is directed to gather information and develop recommendations on the impact that the 2016 proffer reform bill has had on development, including: (i) data regarding the growth, decline, or stagnation in the

number, size, scale, or monetary value of development projects in the Commonwealth; (ii) new or revised policies, guidance, and practices adopted by localities regarding negotiations with developers; (iii) litigation, decisions of local boards of appeals, and other justiciable matters that have arisen from, or been directed at the proffer reform bill; and (iv) any other result, consequence, or impact the proffer reform bill has had on development in the Commonwealth. The joint committee shall invite developers, localities, and other stakeholders to participate in the study. Support. (18101228D)

Public Safety/Criminal Justice

Service of Process

SB 14 (Petersen) (SCT) removes the requirement that in an action against a supervisor, county officer, employee, or agent of the county, each member of the county board be served; instead, only the county attorney, or the clerk of the county board if there is no county attorney, and the defendant need to be served. Support. (18100550D)

Passing School Buses

HB 219 (Morefield) (HCT) requires that any person who fails to stop his vehicle and remain stopped when approaching, from any direction, a school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging passengers, and as the sole and proximate result of his reckless driving causes the serious injury or death of another, is guilty of a Class 5 felony. Support. (18103054D)

SB 381 (Chafin) (SCT) provides that any person who unlawfully passes a stopped school bus while driving a motor vehicle and causes serious bodily injury to another person is guilty of a Class 5 felony. Support. (18100710D)

HB 492 (LaRock) (HCT)/**SB 805** (Carrico) (STRAN) provides that the imposition of a civil penalty for passing a stopped school bus shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. Monitor. (18103682D, 18104568D)

HB 1289 (Guzman) (HTRAN) provides that a summons for a violation of a local ordinance prohibiting passing a stopped school bus shall be on a form provided by the Office of the Executive Secretary of the Supreme Court. The bill provides that any penalty imposed under such ordinance will not be reported to the Department of Motor Vehicles or made part of the operator's driving record. The bill provides that any such ordinance adopted by a county applies to infractions that occur in a town located within the county for which the county provides the public school system. Monitor. (18100924D)

SB 700 (Deeds) (STRAN) authorizes the Department of Motor Vehicles to release vehicle owner data of a vehicle that failed to stop for a stopped school bus upon request of a video-monitoring

system operator or upon request of the authorized agent or employee of a video-monitoring system operator. Support. (18102265D)

Resident Stickers

HB 295 (Murphy) (HCCT)/**SB 839** (Favola) (SLG) allows counties by ordinance to develop a program to issue permits to residents of a designated area that will allow such residents to make turns into or out of the neighborhood during certain times of the day where such turns would otherwise be restricted. Support. (18103592D)

Transportation

SB 683 (Stuart) (SFIN) establishes the Commuter Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve commuter rail service. Support. (18102474D)

Washington Metropolitan Area Transit Authority

HB 1319 (Sullivan) (HRUL)/**SB 856** (Saslaw) (SFIN) makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to the membership and funding of the Washington Metropolitan Area Transit Authority, the disbursement of funds in the Commonwealth Mass Transit Fund, and the authority of the Commonwealth Transportation Board to issue bonds for transit capital. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill also raises the regional congestion relief fee and the regional transient occupancy tax in the Northern Virginia region to raise additional revenues for mass transit. Support for WMATA dedicated funding and governance reforms is in the County's Legislative Program; County will work with stakeholders to address concerns with the bills. (18101814D, 18101813D)

Utility Undergrounding

SB 622 (Surovell) (SLG) provides that if the adopted local transportation plan designates corridors planned to be served by mass transit, a portion of its allocation from the secondary system road construction program may be used for the purpose of utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation. Monitor. (18104532D)

Legislation Requiring Further Review

Miscellaneous

HB 857 (Peace) (HGL) removes remaining differences between general landlord and tenant provisions and the Virginia Residential Landlord and Tenant Act by conforming provisions pertaining to residential dwelling units in the following areas: (i) providing that any nonresidential tenancy may be terminated by self-help eviction or by filing an unlawful detainer action; (ii) tenant obligations to maintain a dwelling unit; (iii) notice to the tenant in the event of foreclosure; (iv) wrongful failure to supply heat, water, hot water, or essential services; (v) prohibited provisions in the rental agreement; (vi) early termination of rental agreement by military personnel; and (vii) remedies for the landlord's failure to deliver possession. The bill also makes the following changes to landlord and tenant law: (a) clarifies the lease termination process; (b) provides that if a tenant allows his renter's insurance to lapse, the landlord may provide coverage and require the tenant to pay the premium; (c) establishes protection for landlords who provide tenant information to a federal census official; (d) authorizes a landlord or property manager to appear in court to seek final rent and damages related to a dwelling unit; and (e) clarifies remedies for a tenant's failure to prepare the dwelling unit for insecticide or pesticide applications. (18102837D)

Administration of Government

HB 223 (Krizek) (HCT) allows courts to award front pay in addition to back pay as damages for discharging an employee in violation of the Virginia Human Rights Act (§ 2.2-3900 et seq.). The bill also removes the time period limitation on the amount of back pay awarded, allows courts to increase or diminish the award if the court finds that either party engaged in delay tactics, and increases the cap on attorney fees awarded from 25 percent of the back pay awarded to 40 percent of the back pay and front pay awarded. (18101370D)

SB 677 (Deeds) (SLG) authorizes a member of a governing body of a locality to be elected or appointed by that governing body to be a member of a local convention, visitors, or tourism board, authority, or agency. (18101222D)

SB 751 (Sturtevant) (SLG) requires every locality with a population greater than 25,000 and each school division with greater than 5,000 students to post quarterly on the public government website of such locality or school division a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information. The bill allows any locality or school division to exclude from such posting any information that is exempt from mandatory disclosure under the Virginia Freedom of Information Act, any personal identifying information related to a court-ordered payment, and any information related to undercover law-enforcement officers. The bill has a delayed effective date of July 1, 2019. (18104562D)

Animals

HB 14 (Kory) (HAG)/**SB 175** (Stanley) (SACNR) requires a public animal shelter to wait three days before euthanizing a dog or cat when a person has notified the shelter of his intent to adopt or take custody of the particular animal. The shelter must make reasonable efforts to accomplish the release of the dog or cat but is not required to hold the animal if it has reason to believe that the animal has seriously injured a human or the animal meets certain other specified conditions for euthanasia. (18100613D, 18101283D)

HB 424 (Levine) (HAG) provides that a public or private animal shelter may purchase, possess, and administer certain Schedule VI biological products for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter and may administer such biological products only pursuant to written protocols. (18102771D)

HB 646 (Bell, John J.) (HAG) provides that outdoor tethering of an animal shall not meet the requirement that an animal be given adequate shelter if it occurs (i) between 10 p.m. and 6 a.m., except when the animal is engaged in conduct related to an agricultural activity; (ii) when no owner is on the property; (iii) when the temperature is 32 degrees Fahrenheit or lower or 85 degrees Fahrenheit or higher; (iv) during a heat advisory; or (v) during a severe weather warning. The bill provides that a tether shall meet the requirement that an animal be given adequate space if it is four times the length of the animal or 15 feet in length, whichever is greater, and does not cause injury or pain, contain metal chain links, or weigh more than one-tenth of the animal's body weight. (18104368D)

HB 889 (Orrock) (HAG) authorizes the governing body of any locality to adopt an ordinance restricting the tethering of a dog outdoors. The ordinance may limit the maximum number of hours during which the dog may remain tethered but shall not completely prohibit tethering that provides the dog "adequate space" as that phrase is defined in the Code. (18101099D)

Courts

HB 4 (Mullin) (HCT)/**SB 519** (Mason) (SCT) requires the case management system operated and maintained by the Executive Secretary of the Supreme Court of Virginia to be open to the public for inspection. The bill provides that the case management system shall be searchable by party name, charge (for criminal cases), filing type (for civil cases), hearing date, and case number across all localities and that the entire compilation of records contained in the system shall be made available. (18100879D, 18101947D)

HB 326 (Campbell) (HCT) provides that, for cases in juvenile and domestic relations district court involving an allegedly abused or neglected child, venue may lie in the city or county where the alleged abuse or neglect occurred in addition to the city or county where the child resides or where the child is present when the proceedings are commenced. (18103258D)

HB 858 (Peace) (HCT) provides that parties to a civil action may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter and proportional to the needs of the case. The bill states that a determination of whether discovery is unduly burdensome or expensive shall include consideration of whether the burden or expense of the proposed discovery outweighs its likely benefits. The bill further provides that when an officer, as defined in the bill, who is called as a deposition witness files a motion for a protective order because the discovery sought by the deposition is obtainable from some other source that is more convenient, less burdensome, or less expensive, the burden shall be on the party seeking the deposition to defeat such a motion by showing that (i) there is a reasonable indication that the officer's deposition is calculated to lead to the discovery of admissible evidence, (ii) the officer has unique or superior personal knowledge of discoverable information that cannot be discovered through means other than a deposition, and (iii) deposition of a representative other than the officer or other methods of discovery are unsatisfactory, insufficient, or inadequate. (18103997D)

SB 39 (Favola) (SCT) repeals the \$25 filing fee that is charged for commencement of a custody or visitation case in the juvenile and domestic relations district court. (18100238D)

SB 535 (Obenshain) (SCT) provides that in a civil action for personal injuries sustained from a motor vehicle accident, regardless of the amount of losses sustained by an injured person, an insurance company shall disclose the policy limits of an alleged tortfeasor who has been convicted of an offense of driving under the influence within 30 days of a request for such disclosure. (18102085D)

Restitution

HB 483 (Bell, Robert B.) (HCT) adds to the duties of the Workers' Compensation Commission in its role as administrator of the Criminal Injuries Compensation Fund (Fund) the obligation to identify and locate victims for whom restitution owed to such victims has been deposited into the Fund. The bill provides that clerks shall deposit into the Fund on an annual basis restitution collected for victims who can no longer be identified or located. The bill requires that clerks record the receipt of restitution payments in the Virginia Supreme Court's automated information system and that the restitution form used by the court include the victim's contact information, including address, telephone number, and email address. (18102533D)

HB 484 (Bell, Robert B.) (HCT) provides that for any offense that occurs on or after July 1, 2018, if restitution is ordered at the time of sentencing, the court shall place the defendant on an indefinite term of probation until all ordered restitution is paid in full. The bill requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution, if any, 30 days prior to the defendant's release from supervision. The bill also requires that a court schedule a hearing within 90 days of the date restitution was to be paid in full if any restitution remains unsatisfied and no probation agency was ordered to monitor the defendant's payments. The bill also establishes a mechanism for releasing a defendant from an indefinite term of probation even though all ordered restitution has not been paid in full. (18102534D)

HB 485 (Bell, Robert B.) (HCT) requires that a probation agency ordered to monitor the restitution payments of a defendant placed on supervised probation notify the court and the attorney for the Commonwealth of the amount of unsatisfied restitution, if any, 30 days prior to the defendant's release from supervision. The bill also requires that if any restitution remains unsatisfied on the date upon which restitution was to be paid in full, a court must schedule a hearing within 90 days of such date if no probation agency was ordered to monitor the defendant's payments. (18102535D)

Education

HB 15 (Mullin) (HCT) requires a principal to first take appropriate alternative disciplinary action or determine that no such appropriate alternative disciplinary action exists before referring to the local law-enforcement agency student incidents of assault and assault and battery without bodily injury. (18101158D)

HB 445 (Carroll Foy) (HCT) eliminates the requirement that school principals report certain enumerated acts that may constitute a misdemeanor offense to law enforcement. (18102544D)

SB 476 (Reeves) (SEH) provides that school principals are not required to report criminal misdemeanors or status offenses to law enforcement if in the principal's discretion, based on a totality of the circumstances and consistent with Board of Education guidelines, such report is not warranted. The bill requires the Board of Education, in consultation with the Department of Juvenile Justice, the Office of the Attorney General, and any interested stakeholders, to update its Student Conduct Policy Guidelines to provide guidance for principals in exercising such discretion. (18102416D)

Virginia Preschool Initiative and Other Preschool-related Legislation

HB 255 (Guzman) (HRUL) establishes the Public Preschool Fund and Grant Program for the purpose of funding and providing on a competitive basis grants to local school boards to establish and maintain public preschool programs for children who reside in the local school division and who will have reached their fourth birthday on or before September 30 of the relevant school year. The bill requires the Department of Education to administer the Public Preschool Grant Program and establish (i) guidelines and procedures for grant applications, awards, and renewals; (ii) standards for preschool programs established and maintained by grant recipients, including standards for curriculum, student achievement, attendance, instruction, personnel, and length of school day and school year; and (iii) data collection and reporting requirements for grant recipients. The bill requires the Department of Education to give priority to grant applicants who propose a plan for the innovative use of facilities in the local school division to house the proposed public preschool program, including community centers and recreation centers. (18103673D)

HB 319 (Bourne) (HRUL) permits any local school board to offer any slots in its Virginia Preschool Initiative program that remain unfilled by at-risk students after initial enrollment to

students who reside in the school division and meet the age requirements but do not qualify as at-risk and to charge a fee for such enrollment. (18101052D)

HB 924 (Lopez) (HRUL) directs the Board of Social Services to establish a Quality Rating and Improvement System for all child welfare agencies participating in the Virginia Preschool Initiative. (18103637D)

HJ 108 (Aird) (HRUL) directs the Joint Legislative Audit and Review Commission to study the amount of funds required to make preschool available to each four-year-old in the Commonwealth through the Virginia Preschool Initiative by projecting, on a school division-by-school division basis for the 2019–2020 school year, (i) Virginia Preschool Initiative program enrollments, (ii) total four-year-old student populations, and (iii) the state and local funds required to expand access to such programs to each four-year-old based on the current allocation formula for determining the state and local share of funding. (18103571D)

Elections

HB 357 (Reid) (HPE) provides that at an election without a federal office on the ballot, if the polling hours are extended by a court order, persons who are voting during the extended polling hours shall be permitted to vote a regular ballot. The bill requires that such persons be marked in the pollbook as having voted during the extended polling hours and that such ballots be kept separate from ballots cast during normal polling hours. Under current law, whenever polling hours are extended by a court order, ballots cast by persons who are voting during the extended polling hours are treated as provisional ballots. The bill makes this current law applicable only to elections with a federal office on the ballot, in accordance with the requirements of the Help America Vote Act of 2002. (18102331D)

SB 150 (Edwards) (SPE) changes one of the criteria for determining when an electoral board is required to ascertain the total votes for each write-in candidate for an office from when less than five percent of the total number of votes cast for that office are write-in votes to when less than 20 percent of the total number of votes cast for that office are write-in votes. (18102921D)

HB 1210 (Hugo) (HPE) requires electoral boards and general registrars to conduct post-election risk-limiting audits with a five percent risk limit for federal and statewide election contests for every election in which a voting system is used. The risk-limiting audit is required to be completed prior to certifying the results of the election being audited. The risk-limiting audits are to be conducted in accordance with standards and procedures developed by the State Board of Elections (State Board). The bill provides that representatives of candidates and political parties and other lawfully present observers are entitled to observe the risk-limiting audit and requires that they be able to adequately monitor the audit process to determine whether it has been carried out correctly and to evaluate whether the correct ballots were audited and whether they agree with the auditors' determination of voter intent for each audited ballot. Voter intent during the risk-limiting audit is to be determined manually and directly from original, voter-verifiable ballots cast and counted in the election and from paper record copies. The bill provides that the State Board may order a partial or full recount of an election or may issue a writ for a

new election if it determines that an elections official failed to comply with the requirements for conducting the risk-limiting audit. The State Board is directed to convene a work group to assist with the development of standards and procedures for preparing for and conducting post-election risk-limiting audits, and the work group, through the State Board, shall submit to the Governor and General Assembly an interim progress report by December 1, 2018, and a final report by December 1, 2019, of the standards and procedures for preparing for and conducting post-election risk-limiting audits and any legislative proposals that may be necessary to implement and administer the audits. The bill repeals the current law regarding risk-limiting audits, and the new post-election risk-limiting audit process does not become effective unless reenacted by the 2020 Session of the General Assembly. (18102957D)

SB 591 (Vogel) (SPE) requires electoral boards and general registrars to conduct post-election risk-limiting audits with a five percent risk limit for federal and statewide election contests for every election in which a voting system is used. The risk-limiting audit is required to be completed prior to certifying the results of the election being audited. The risk-limiting audits are to be conducted in accordance with standards and procedures developed by the State Board of Elections (State Board). The bill provides that representatives of candidates and political parties and other lawfully present observers are entitled to observe the risk-limiting audit and requires that they be able to adequately monitor the audit process to determine whether it has been carried out correctly and to evaluate whether the correct ballots were audited and whether they agree with the auditors' determination of voter intent for each audited ballot. Voter intent during the risk-limiting audit is to be determined manually and directly from original, voter-verifiable ballots cast and counted in the election and from paper record copies. The bill provides that the State Board may order a partial or full recount of an election or may issue a writ for a new election if it determines that an elections official failed to comply with the requirements for conducting the risk-limiting audit. The State Board is directed to convene a work group to assist with the development of standards and procedures for preparing for and conducting post-election risk-limiting audits, and the work group, through the State Board, shall submit to the Governor and General Assembly an interim progress report by December 1, 2018, and a final report by December 1, 2019, of the standards and procedures for preparing for and conducting post-election risk-limiting audits and any legislative proposals that may be necessary to implement and administer the audits. The bill repeals the current law regarding risk-limiting audits, and the new post-election risk-limiting audit process does not become effective unless reenacted by the 2020 Session of the General Assembly. (18102749D)

SB 165 (Wexton) (SPE) adds to the list of accepted forms of identification for purposes of voting a valid identification card that contains a photograph of the voter and is issued by any private entity that is licensed or certified, in whole or in part, by the State Department of Health, the Department of Social Services, the Department of Medical Assistance Services, or the Department of Behavioral Health and Developmental Services. Under current law, an employee of any such private entity is permitted to use his employee identification card for purposes of voting, provided that the card contains a photograph of the voter; the bill allows a resident or other person who receives services from such private entity to use a valid identification card issued by the private entity for purposes of voting, provided that the card contains a photograph of the voter. (18100994D)

Absentee Voting

SB 6 (Ebbin) provides that a registered voter who becomes obligated after noon on the Friday immediately preceding an election to travel outside of his county or city for a business purpose, for a hospitalization, or for the death of a member of his immediate family is entitled to apply for an absentee ballot and to vote absentee in-person. Such a registered voter is required to apply in person not later than 2:00 p.m. on the Monday immediately preceding the election. Currently, the provisions for late applications and in-person absentee voting apply only to those registered voters who become obligated after noon on the Saturday immediately preceding the election. (18100297D)

Early Voting

HB 74 (Sullivan) (HPE) allows any registered voter to vote early in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill requires that early voting be available beginning the twenty-first day prior to any general election, the seventh day prior to any special election held on a date other than the date of a general election, and the seventh day prior to any primary election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill further requires early voting to be available during regular business hours each weekday during the applicable period, from 9:00 a.m. to 5:00 p.m. on each Saturday during the applicable period, and from 12:00 p.m. to 4:00 p.m. on each Sunday during the applicable period. The bill removes the current provisions for voting absentee in person but retains those provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons that allow a registered voter to vote absentee by mail. (18101187D)

Split Precincts

HB 299 (Watts) (HPE) requires counties and cities to adjust local election district lines to congressional and state legislative district lines established by the General Assembly and requires that precincts be contained wholly within congressional or state legislative districts when a county, city, or town is divided between two or more such districts. The bill provides that a locality that is unable to comply with this requirement may apply to the State Board of Elections for a waiver to administer a split precinct. The State Board shall have the authority to grant the request or direct the locality to create a precinct with fewer than the required number of registered voters. The measure also prohibits counties, cities, and towns from creating, dividing, abolishing, or consolidating any precincts or otherwise changing the boundaries of any precinct between February 1, 2019, and May 15, 2021, except in certain specified circumstances. Precinct ordinances may be adopted after January 1, 2021, but may not be implemented before May 15, 2021. (18102495D)

HB 382 (Rasoul) (HPE) provides that no precinct shall be split between congressional or state legislative districts where a county or city is divided between two or more such districts. Counties and cities are required immediately after decennial redistricting to establish precinct boundaries that meet this requirement. The local governing body is authorized to apply to the State Board

of Elections for a waiver if the governing body concludes that it cannot meet the requirement in one or more instances. The State Board is authorized to grant the waiver if it concludes that the local governing body has presented clear and convincing evidence of its inability to meet the requirement. Alternatively, the State Board is authorized to direct the local governing body to establish precincts with fewer than the minimum number of required registered voters. (18104414D)

HB 449 (Rodman) (HPE) repeals the deadline for registering to vote in advance of an election and allows eligible voters to register at any time, including the day of the election. A person who is eligible to vote, but is not registered, may register and be permitted to vote on election day by appearing in person at the polling place for the precinct of which he is a resident and (i) providing certain identifying information; (ii) signing a statement, subject to felony penalties, that he is a qualified voter of that precinct but for not being registered to vote; and (iii) providing proof of residency. Residency may be proven by presenting (a) his valid Virginia driver's license or other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States that contains a valid address in the precinct or (b) any document that contains a valid address in the precinct together with one of the forms of identification accepted for purposes of voting. The bill requires the State Board to provide instructions for the prompt addition of the voter to the Virginia voter registration system on the day of the election. (18102776D)

SB 322 (Peake) (SPE) requires that, at any level of election district, each precinct be wholly contained within a single election district, except where splitting a precinct among two or more districts is necessary to ensure the population of each district is as nearly equal to the population of every other district as practicable. (18100060D)

SB 522 (Barker) (SPE) requires county and city governing bodies in each year ending in one, immediately after the completion of decennial redistricting, to establish precinct boundaries so that no precinct is split between two or more congressional, state Senate, House of Delegates, or county or city election districts. If it is impossible to meet this requirement the governing body is given authority to request a waiver from the State Board of Elections to establish a split precinct. The State Board may either grant the waiver or, if the Board finds it more appropriate, approve an exception to the minimum size requirements for precincts. (18103590D)

Voter Registration

HB 171 (Filler-Corn) (HPE) allows a person who becomes a naturalized United States citizen after the close of registration records, and who is otherwise qualified to vote, to register to vote up to and including the day of the election. The bill requires the Department of Elections to prescribe procedures for the addition of persons registered under the provisions of the bill to the lists of registered voters. (18101172D)

HB 272 (Boysko) (HPE) requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within five days of the denial. Such notice may be made by all available means, including by telephone and email. The bill provides that if the general registrar is able to reach the applicant by telephone, any missing information may be

provided and corrections may be made by the applicant by telephone. The bill requires the registration application to request that the applicant provide his telephone number and email address. (18101407D)

HB 356 (Reid) (HPE) requires notice of a denial of an application for voter registration to be provided by the general registrar to the applicant within 10 days of the denial. Such notice is required to be made by all available means, including by telephone and email. The bill provides that if the general registrar is able to reach the applicant by telephone, any missing information may be provided and corrections may be made by the applicant by telephone. The bill requires the registration application to request that the applicant provide his telephone number and email address. The bill contains technical amendments. (18100159D)

SB 331 (Peake) (Reported from SPE) requires the general registrars to verify that the name, date of birth, and social security number provided by an applicant on the voter registration application match the information on file in the Social Security Administration database or other database approved by the State Board of Elections (State Board) before registering such applicant. If the information provided by the applicant does not match the information in such a database, the applicant (i) is provisionally registered to vote and notified as to what steps are needed to be fully registered to vote and (ii) is permitted to vote by provisional ballot, but such ballot shall not be counted until the voter presents certain information. The bill also requires the general registrars to verify annually no later than August 1 that the name, date of birth, and social security number in the registration record of each registered voter in the registrar's jurisdiction match the information on file with the Social Security Administration or other database approved by the State Board and, in accordance with § 24.2-429, to initiate the cancellation of the registration of any voter whose registration record information does not match the database information. The State Board is authorized to approve the use of any government database to the extent required to enable each general registrar to carry out the provisions of this measure and to promulgate rules for the use of such database. The Department of Elections is required to provide to the general registrars access to the Social Security Administration database and any other database approved by the State Board. The Department of Elections is further required to enter into any agreement with any federal or state agency to facilitate such access. (18100115D)

Environment

HB 936 (Lopez) (HAG) authorizes the Board of Agriculture and Consumer Services to restrict or prohibit the use of neonicotinoid insecticides (neonicotinoids) and prohibits, beginning July 1, 2019, the outdoor application of neonicotinoids on any property that is either owned or maintained by the Commonwealth or zoned for residential use. Such prohibition shall not apply to the use of neonicotinoids purchased before July 1, 2018, or to any facility licensed to conduct research on neonicotinoids. The bill also directs the Department of Agriculture and Consumer Services (the Department) to issue by July 1, 2020, a draft report evaluating whether scientific evidence exists to show that outdoor applications of neonicotinoids are safe for pollinators, the environment, and human health. The Department shall consider public comments on the draft and deliver its final evaluation report on neonicotinoid safety research to the Governor and to the Chairs of the Senate Agriculture, Conservation and Natural Resources Committee and the

House Agriculture, Chesapeake and Natural Resources Committee by July 1, 2021.
(18103069D)

HB 1059 (Tran) (HAG) requires any person who unlawfully discharges any deleterious substance into state waters to give written notice to the State Water Control Board. Current law requires written notice to be given only to the Director of the Department of Environmental Quality. The bill also requires the Board or the Department to give the reported discharge information to local newspapers, television stations, and radio stations as soon as practicable after receiving it. (18101616D)

HB 1091 (Hodges) (HAG) includes within the definition of the term "project" any dredging program or project undertaken to benefit the economic and community development goals of a local government. (18102293D)

HB 1094 (Hodges) (HAG) directs the State Water Control Board to adopt regulations to establish criteria for use by local governments in granting, denying, or modifying a request by any landowner within a Chesapeake Bay Preservation Area to raise the base elevation of his land for the purpose of mitigating the effects of flooding. (18102373D)

SB 582 (Hanger) (SACNR) increases the threshold for the substitution of real property when lands are converted or diverted from open-space land use, requiring the substitute land to have "substantially" greater value as permanent open-space land than the land being converted or diverted. The bill establishes several requirements that an applicant for such conversion or diversion, such as an electric utility or a pipeline company, shall meet, including the requirements that it demonstrate the essentiality of its project, show that no feasible alternative exists, pay for appraisals conducted by a certified general real estate appraiser, and explain why, if the substitute land is not adjacent to the land to be converted or diverted, adjacent land could not be acquired. The bill also requires the creation of a stewardship fund for the substitute land. (18104710D)

SB 585 (DeSteph) (SRUL) clarifies the purposes for which grants from the Chesapeake Bay Restoration Fund (the Fund) are to be used and clarifies that guidelines for the use of such grants shall be developed by the Chesapeake Bay Restoration Fund Advisory Committee (the Committee) in accordance with such purposes. The bill shifts the date by which the Committee is required to present a plan for expenditure of any amounts in the Fund. The bill contains technical amendments. (18103877D)

Onsite Sewage and Treatment Systems

HB 675 (Hodges) (HHWI) provides that effluent quality standards and maintenance requirements for onsite treatment works designed by individuals licensed as professional engineers shall not exceed those established in the Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day for fresh water discharge. (18102954D)

HB 885 (Orrock) (HHWI) clarifies that the Board of Health shall have supervision and control over the maintenance, inspection, and reuse of conventional onsite sewage systems as well as alternative onsite sewage systems. (18101589D)

HB 888 (Orrock) (HHWI) directs the Department of Health to take steps to eliminate evaluation and design services for onsite sewage systems and private wells provided by the Department. The bill provides specific requirements and a timeline for such elimination. (18101594D)

Plastic Bags

HB 981 (Rodman) (HFIN) authorizes any locality to impose a five-cent per bag tax on disposable paper bags or disposable plastic bags provided to customers by certain retailers, with certain bags being exempt from the tax. Revenues from the local tax would be collected by the Tax Commissioner and distributed monthly to the county or city imposing the tax to be used by such locality for pollution and litter mitigation. The bill requires each county or city adopting an ordinance to impose the tax to provide a certified copy of the ordinance to the Tax Commissioner at least six months prior to the date the tax is to become effective. The bill also allows every retailer that collects the tax to retain one cent of the five-cent tax. (18103714D)

SB 193 (Locke) (SLG) allows any locality by ordinance to prohibit the distribution, sale, or offer for sale of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or newspapers; and garbage bags that are sold in multiples. (18102642D)

Stormwater

HB 377 (Bulova) (HAG) exempts from the requirement to obtain a Virginia Water Protection Permit an impact to a stormwater management facility on dry land. (18104333D)

HB 447 (Hope) (HAG) adds the preservation of mature trees, both as a stormwater management tool and as a means of providing other benefits, to the list of activities that the State Water Resources Board is directed to encourage and promote as it adopts criteria for local governments to use as they consider development in Chesapeake Bay Preservation Areas. (18100211D)

HB 493 (Hodges) (HAG) authorizes the recipient of a grant from the Stormwater Local Assistance Fund to use a portion of the grant funds to pay for reasonable administrative costs. The bill also allows a grant recipient to count the fair market value of administrative services as an in-kind match for as much as half of the amount of any matching funds required. (18100338D)

HB 574 (Hodges) (HGL) excludes the purchase of (i) stream restoration and (ii) stormwater management practices, and all associated and necessary construction and maintenance, from the prohibition on using cooperative procurement to purchase construction. (18104419D)

HB 723 (Plum) (HAG) requires the State Water Control Board to adopt regulations requiring a local stormwater management authority that requires a landowner of property zoned for residential use to maintain a stormwater management facility on such property to record with the deed for the property a statement of the specifications and requirements and a schedule of audits of the facility. The bill requires the seller of any property with such facility to disclose such specifications, requirements, and schedule of audits to a purchaser of the property. (18102418D)

HB 801 (O'Quinn) (HAG) prohibits the State Water Control Board from adopting any stormwater regulation that is inconsistent with or exceeds the requirements of any federal stormwater statute, regulation, standard, criterion, or guidance document. (18100290D)

HB 925 (Bulova) (HAG) authorizes any locality that owns or operates a permitted municipal separate storm sewer system (MS4) to adopt and administer an industrial and high-risk runoff program. The bill limits the ability of the State Water Control Board (the Board), unless it is required to do so by federal law, to impose certain regulatory conditions on any locality that administers such a program, and it prohibits the Board from modifying existing MS4 permits to avoid such limitation. The bill authorizes the Board to require a locality to report an industrial or commercial facility if it becomes aware of a violation of an industrial stormwater management requirement. (18104478D)

HB 1038 (Convirs-Fowler) (HGL) provides that the board of directors of each association shall be responsible for inspecting and maintaining the stormwater best management practice that serves and is operated or owned by the development. (18103538D)

HB 1308 (Hodges) (HAG) authorizes any rural Tidewater locality, whether or not it has opted out of administering a stormwater or erosion and sediment control program, to require that a licensed professional retained by the applicant submit a set of plans and supporting calculations for land-disturbing activities that disturb 2,500 square feet or more but less than one acre of land. The bill requires the plans to bear a certification and to be signed and sealed by the professional. The locality is required to accept such plans in satisfaction of the local plan review requirement. The bill also directs the Department of Environmental Quality to examine the possibility of expanding the use of the agreement in lieu of a stormwater management plan, currently authorized for use in the construction of certain single-family residences, to include any nonresidential development site of less than one acre in a rural Tidewater locality. (18104164D)

SB 576 (Hanger) (SACNR) allows a person engaging in more than one jurisdiction in the creation and operation of a stream restoration project for purposes of reducing nutrients or sediment entering state waters the same opportunity to submit standards and specifications for Department of Environmental Quality approval that describe how land-disturbing activities shall be conducted as an alternative to submitting soil erosion control and stormwater management plans as allowed in current law to a person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers. (18103641D)

SB 741 (Ruff) (Reported from SACNR) requires a Virginia Stormwater Management Program Authority (VSMP authority) to advise the Department of Environmental Quality to terminate coverage under a General Permit for Discharges of Stormwater from Construction Activities within 60 days of receiving a complete notice of termination from the operator of the construction activity. The bill (i) provides that such permit coverage shall be deemed terminated 90 days after the receipt by the VSMP authority of a complete notice of termination and (ii) requires any VSMP authority receiving incomplete notice to inform the operator within a reasonable time and provide a detailed list of the missing elements. (18102671D)

Water Quality Improvement Fund

SB 340 (Peake) (Passed Senate) requires the Director of the Department of Environmental Quality to prioritize cost effective technologies to reduce nutrient loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia over other water quality improvement methods in distributing grants from the Virginia Water Quality Improvement Fund subsequent to satisfaction of nutrient reductions of regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill places certain limitations on grants for technologies to reduce nitrogen-containing ammonia. The bill also requires the Department of Environmental Quality to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the State Water Control Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. (18103170D-E)

Freedom of Information Act

HB 664 (Kilgore) (HGL) requires a public body initiating a transfer of public records to any entity, including to any other public body, to remain the custodian of those records only if the public body has transferred the entirety of those public records. Current law requires the public body initiating a transfer of public records to remain the custodian if it has transferred possession of any public records. The bill also excludes the transfer of a portion of information contained in one public body's public record to another public body from being considered as a transfer of an entire public record. The bill also prohibits a public body from withholding a public record in its entirety on the grounds that information contained in such public record was provided by another public body. The bill defines "custodian" for purposes of the Virginia Freedom of Information Act. (18102023D)

Health and Human Services

HB 178 (Bell, Richard P.) (HGL) provides that it shall not be unlawful under the Virginia Fair Housing Law for any owner to deny or limit the rental of housing to persons whose payment of rent for such housing is contingent upon the owner's acceptance of a contract authorizing payment of such rent by an entity or individual other than the lessee. (18102452D)

HB 511 (Bell, Robert B.) (HHWI) adds the complaint that a child has been left alone in the same dwelling with a person to whom the child is not related by blood or marriage and who has been convicted of a sexually violent offense against a minor to the list of complaints of suspected child abuse or neglect upon receipt of which a local department of social services is required to notify the local attorney for the Commonwealth and the local law-enforcement agency. The bill also adds such a complaint to the list of complaints that a local department that has been designated as a child-protective services differential response agency by the Department of Social Services must investigate. (18100374D)

HB 515 (Bell, Robert B.) (HCT)/**SB 70** (Favola) (SCT) provides that a parent's disability, as defined in the bill, shall not be the sole basis of the denial or restriction of such parent's custody or visitation rights. The bill requires a party who alleges that a parent's disability should be a factor to be considered to not be in the best interests of the child, or should otherwise be a reason to deny or restrict such a parent's custody or visitation rights, to prove that the child's best interests would not be met or served due to such parent's disability. The bill allows a parent with a disability to demonstrate how supportive parenting services would appropriately address any threats to the child's best interests and further allows the court to order that such services be ordered by the court. The bill requires a court to make written findings where the court denies or restricts custody or visitation of a parent with a disability or where supportive parenting services are not ordered. The same requirements apply to the denial or approval of a prospective foster parent with a disability, or removal of a child from the home of a foster parent with a disability, and to the denial of a final order of adoption wherein the prospective adoptive parent has a disability. (18101114D, 18101471D)

HB 614 (Price) (HHWI) provides that the Board of Social Work may license baccalaureate social workers, master's social workers, and clinical social workers, as those terms are defined, and may register persons proposing to obtain supervised post-degree experience in the practice of social work. (18101583D)

HB 696 (Poindexter) (HHWI) establishes a work requirement and an employment and training program for individuals receiving or applying to receive benefits through the food stamp program. (18103399D)

HB 935 (Hope) (HCT) eliminates the requirement that a person agree to abide by the plan for mandatory outpatient treatment before mandatory outpatient treatment may be ordered. (18102532D)

HB 979 (Rodman) (HHWI) directs the State Board of Health to adopt regulations establishing the action level for lead in drinking water as no more than 10 parts per billion beginning January 1, 2019, and no more than five parts per billion beginning January 1, 2023. The bill authorizes the Board to establish lower action levels for lead in drinking water. (18101617D)

HJ 109 (Gooditis) (HRUL) requests the Department of Medical Assistance Services to (i) identify the current transportation needs of individuals with disabilities, mental illness, and substance abuse problems in the Commonwealth; (ii) determine the extent to which these needs

are being met; (iii) identify reoccurring problems associated with such state-funded transportation services, including providers arriving late or failing to show up for a scheduled trip, a lack of consistency in drivers for regularly scheduled trips, inefficient and time-consuming routes, and a general lack of communication between providers and the individuals receiving transportation services; (iv) analyze the cost of expanding state-funded transportation services to cover individuals who have a mental illness or substance abuse problems and are not receiving assistance under the state plan for medical assistance; (v) gather and consider input from all relevant stakeholders regarding such transportation needs and strategies for improving the Commonwealth's transportation services for individuals with disabilities, mental illness, and substance abuse problems; and (vi) make recommendations regarding strategies, policies, or programs that the Commonwealth can utilize to better meet the transportation needs of individuals with disabilities, mental illness, and substance abuse problems, including establishing partnerships with ride-sharing companies. (18103698D)

SB 539 (Hanger) (SRSS) removes certain programs from the list of child day programs exempt from licensure and clarifies that such programs are not considered child day programs and therefore are not subject to licensure. The bill also modifies the terms of certain child day programs that remain listed as exempt from licensure and requires that such programs (i) file with the Commissioner of Social Services (the Commissioner), prior to beginning operation of a child day program and annually thereafter, a statement indicating the intent to operate a child day program, identifying the Code provision relied upon for exemption from licensure, and certifying that the child day program has disclosed to the parents of children in the program the fact that it is exempt from licensure; (ii) report to the Commissioner all incidents involving serious injury or death to children attending the child day program; (iii) have a person trained and certified in first aid and cardiopulmonary resuscitation (CPR) present at the child day program; (iv) comply with background check requirements established by regulations of the Board of Social Services (the Board); (v) maintain daily attendance records; (vi) have an emergency preparedness plan in place; (vii) comply with all applicable laws and regulations governing transportation of children; (viii) comply with certain safe sleep practices for infants; and (ix) post in a visible location notice that the program is not licensed by the Department of Social Services and only certifies basic health and safety requirements. The bill exempts from licensure any program offered by a local school division, operated for no more than four hours per day, staffed by local school division employees, and attended by school-age children who are enrolled in public school within such school division. The bill also modifies staffing ratios for religious-exempt child day centers. The bill directs (a) the Board to promulgate regulations to implement the provisions of the bill and (b) the Commissioner to establish a process to inspect child day programs exempt from licensure and a process to gather and track aggregate data regarding child injuries and deaths that occur at such child day programs. The bill has a delayed effective date of July 1, 2019. (18100827D)

SB 670 (Deeds) (SEH) requires fire departments and emergency medical services agencies to develop curricula for mental health awareness training for their personnel. The bill provides that such personnel who receive the training shall receive appropriate continuing education credits. (18100553D)

Adult Protective Services

HB 1025 (Adams, Les R.) (HHWI) provides that all actions taken or written findings made by a local department of social services regarding an adult protective services investigation are final and not appealable to the Commissioner for Aging and Rehabilitative Services and are not to be considered a final agency action or case decision of the Department for Aging and Rehabilitative Services for the purposes of judicial review under the Virginia Administrative Process Act. (18103770D)

HB 1026 (Adams, Les. R) (HHWI) provides that all written findings and actions of a local department of social services or its director regarding adult protective services investigations are final and shall not be (i) appealable to the Commissioner for Aging and Rehabilitative Services or (ii) considered a final agency action for purposes of judicial review pursuant to the provisions of the Administrative Process Act. (18101587D)

Medicaid

HB 338 (Miyares) (HRUL) directs the Secretary of Health and Human Resources to apply for a waiver to implement a work requirement for able-bodied adult recipients of medical assistance services. (18102781D)

HB 348 (Sickles) (HRUL) requires the Board of Medical Assistance Services to include in the state plan for medical assistance provision for the payment of medical assistance on behalf of individuals described in 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII) who are under 65 years of age and not otherwise eligible for medical assistance and whose household income does not exceed 133 percent of the federal poverty level for a family of that size. The bill provides that such provision shall expire on December 31 of any year in which the federal medical assistance percentage for such individuals falls below the percentages set forth in 42 C.F.R. § 433.10(c)(6). This bill also repeals provisions of the Code of Virginia establishing the Medicaid Innovation and Reform Commission. (18102276D)

Land Use

HB 639 (Boysko) (HRUL) provides that the Department of Transportation shall convene a work group of stakeholders to examine the current statutory and regulatory processes for identifying the location of, and the owners or leaseholders of, fiber optic cable and conduit, as well as other similar communications infrastructure and utilities, that are located under or across from public property or in close proximity to or in an existing or newly acquired public easement or right-of-way, in order to determine whether the current process for relocating such infrastructure as necessary for the construction of a public roadway and associated appurtenances, whether such project is locally or state administered, is appropriately efficient, timely, and cost effective, in order to avoid unnecessary and costly delays in construction. Stakeholders shall include, but are not limited to, representatives from local government, cable and telecommunications industries, the road construction industry, underground utility locating contractors, and the State Corporation Commission. The Department shall assess whether the current permitting and utility

registration and relocation procedures and requirements are adequate and reasonable, and shall submit its findings and any recommendations for improving such process to the General Assembly by November 30, 2018. (18102696D)

HB 796 (Hope) (HCCT) requires a locality to give consideration to the need for reasonable modifications to requirements that are necessary to accommodate persons with disabilities when preparing a zoning ordinance. The bill also alters the standard by which a variance shall be granted by adding the phrases "including the safe and easy use thereof" in regard to property and "or would accommodate persons with disabilities as required under the Americans with Disabilities Act." (18104544D)

HJ 77 (Boysko) (HRUL) requests the Department of Transportation to study the feasibility of a statewide dig once policy, including the installation of conduits with bridge construction projects. In conducting its study, the Department shall examine the feasibility of a blanket policy for all nine of its districts and shall consult various stakeholders, such as the Virginia Broadband Advisory Council, the Center for Innovative Technology, telecommunication and cable providers, and utility providers. (18104687D)

SB 809 (Petersen) (SCT) amends, in the definitions of "lost profits" and "business profit" for the purposes of eminent domain, the period for which lost profits are calculated to a period not to exceed three years from the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken. Under current law, lost profits are calculated for a period not to exceed (a) three years from the date of valuation if less than the entire parcel of property is taken or (b) one year from the date of valuation if the entire parcel of property is taken. The bill specifies that the person claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. The bill further specifies that if the owner is not named in the petition for condemnation, he may intervene in the proceeding and that proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority. (18104879D)

Opioids

HB 132 (Bell, John J.) (HHWI) prohibits a prescriber providing treatment for a patient in an emergency department of a corporation, facility, or institution licensed to provide health care from prescribing a controlled substance containing an opioid in a quantity greater than a 10-day supply, as determined in accordance with the prescriber's directions for use. The bill also prohibits a pharmacist from dispensing a controlled substance containing an opioid pursuant to a prescription issued by a prescriber providing treatment to a patient in the emergency department of a corporation, facility, or institution licensed to provide health care unless the prescription complies with the requirements of the bill. (18101289D)

HB 184 (Hayes) (HHWI) authorizes a pharmacist to dispense up to a five-day supply of a Schedule VI drug to an individual who has been displaced from his residence by a natural or man-made disaster; has had his supply of the drug lost, destroyed, or otherwise rendered unusable as a consequence of the disaster; and is unable to tell the pharmacist the identity of the prescriber or his regular pharmacist or pharmacy. The bill also requires the individual to present evidence sufficient to establish, among other things, that the individual had been in lawful possession of the drug pursuant to a prescription provided to another pharmacist and that his health would be in danger without the benefits of the drug. Before prescribing the drug, the pharmacist is required to determine with a reasonable degree of certainty that the requested drug and dosage level are consistent with the drug and its dosage level that had been prescribed to the individual at the time of his displacement from his residence. During the period for which the drug has been dispensed, the pharmacist is required to diligently attempt to ascertain the identity of the prescriber and the identity of the pharmacist or pharmacy in possession of the prescriber's prescription. Upon obtaining such information, the pharmacist is required to take such additional reasonable action as will permit the individual to obtain a new or renewal prescription and resume obtaining the drug pursuant to his prescription. (18103616D)

HB 374 (Yancey) (HCT) provides that if a law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel is exposed to a controlled substance while engaged in the performance of his official duties and such exposure causes bodily injury, the person who knowingly or intentionally possessed such controlled substance is guilty of a Class 6 felony. This provision also applies to exposure to a controlled substance by a police animal performing its lawful duties or being kept in a kennel, pen, or stable while off duty. (18102005D)

HB 479 (McQuinn) (HHWI) provides that a substance abuse or mental health treatment provider licensed by the Department of Behavioral Health and Developmental Services or a community services board or behavioral health authority may hire for compensated employment at an adult substance abuse or mental health treatment program a person who was convicted of any barrier crime, provided that the criminal behavior was substantially related to the person's substance abuse or mental illness and the person has been successfully rehabilitated and is not a risk to individuals receiving services. (18102280D)

HB 501 (Hodges) (HHWI) provides that the Board of Health, in consultation with the Board of Pharmacy, shall promulgate regulations requiring a hospice program to establish a process for mitigating the risk of diversion of drugs dispensed to a hospice patient residing at home and for disposition of any unneeded dispensed drugs by an employee of the hospice program in a manner that is witnessed by the patient, patient's family member, or another employee of the hospice program and documented. (18102626D)

HB 607 (Carr) (HHWI) directs the Department of Behavioral Health and Developmental Services to implement a pilot program to evaluate the recovery community organization model of substance abuse treatment. (18104054D)

HB 793 (Robinson) (HHWI) eliminates the requirement for a practice agreement with a patient care team physician for nurse practitioners who are licensed by the Boards of Medicine and Nursing and have completed at least 1,040 hours of clinical experience as a licensed, certified nurse practitioner. The bill replaces the term "patient care team physician" with the term "collaborating provider" and allows a nurse practitioner who is exempt from the requirement for a practice agreement to enter into a practice agreement to provide collaboration and consultation to a nurse practitioner who is not exempt from the requirement for a practice agreement. The bill establishes title protection for advanced practice registered nurses, nurse practitioners, certified registered nurse anesthetists, certified nurse midwives, and clinical nurse specialists. The bill contains technical amendments. (18104186D)

HB 1194 (Garrett) (HHWI) adds drugs to the list of Schedule I controlled substances. (18101626D)

HB 1222 (Boysko) (HHWI) provides that a person who is authorized by the Department of Behavioral Health and Developmental Services to train individuals on the administration of naloxone for use in opioid overdose reversal and who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal and that has obtained a controlled substances registration from the Board of Pharmacy may dispense or distribute hypodermic needles and syringes in conjunction with such dispensing of naloxone and that a person to whom naloxone has been distributed by such individual may possess hypodermic needles and syringes in conjunction with such possession of naloxone. This bill includes an emergency clause. (18104520D)

HB 1303 (Garrett) (HHWI) provides that a veterinarian shall not prescribe medication unless a bona fide veterinarian-client-patient relationship exists and establishes the requirements for a bona fide veterinarian-client-patient relationship. (18102425D)

SB 719 (Dunnavant) (SGL) establishes a Substance Abuse Data Sharing and Analytics Clearinghouse (the Clearinghouse), to be administered by the Secretary of Health and Human Resources in consultation with the Substance Abuse Data Sharing and Analytics Advisory Committee (the Advisory Committee), also created by the bill. To the extent allowed by federal law, state and local health and human services and public safety agencies are required to provide data to the Clearinghouse to be used for data analytics and analysis related to improving the efficiency and efficacy of the treatment and prevention of substance abuse, with a focus on opioid addiction and abuse. The Secretary of Health and Human Resources may also enter into agreements with private entities and public institutions of higher education to further the goals of the Clearinghouse. The bill requires the Secretary to report annually to the Governor and the General Assembly regarding the results achieved through the use of the Clearinghouse, including the identification of cost savings and policy recommendations. The Advisory Committee shall have 14 members, consisting of three members of the House of Delegates, two members of the Senate, the Secretaries of Health and Human Resources, Public Safety and Homeland Security, and Technology, and six non-legislative citizen members representing local government, the medical profession, and community services boards. The Advisory Committee is charged with

advising on all matters related to the Clearinghouse. The bill also makes changes to the Government Data Collection and Dissemination Practices Act to codify that data sharing among state and local agencies in certain circumstances is a proper use of personal data. (18104822D)

Location of Clinics

HB 155 (McQuinn) (Reported from HHWI) provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location or to relocate an existing facility when the facility is currently located within one-half mile of a public or private licensed day care center or a public or private K-12 school in the City of Richmond, has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license, and, upon issuance of the license, will be operated by a behavioral health authority. (18100826D)

SB 329 (Dunnavant) (SEH) provides that the prohibition on locating clinics for the treatment of persons with opiate addiction through the use of methadone or opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration within one-half mile of a public or private licensed day care center or a public or private K-12 school shall not apply to an applicant for a license to operate in its current location or to relocate an existing facility when the facility is currently located within one-half mile of a public or private licensed day care center or a public or private K-12 school in the City of Richmond, has been licensed and operated as a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements by another provider immediately prior to submission of the application for a license, and, upon issuance of the license, will be operated by a behavioral health authority. (18102967D)

Naloxone

HB 1401 (Herring) (HHWI) adds correctional officers and probation officers who have completed a training program to the list of individuals who may possess and administer naloxone. (18104239D)

SB 635 (Dunnavant) (SEH) requires every hospital that operates an emergency department to develop and implement a protocol for (i) identifying every prescriber who has prescribed opioids to a patient to whom naloxone is administered for the purpose of reversing an opioid overdose in the emergency department or by emergency medical services personnel or a law-enforcement officer prior to admission to the emergency department and (ii) notifying each such prescriber that the patient has been treated with naloxone for the purpose of reversing an opioid overdose. Such notification shall be made in each case in which naloxone is administered for the purpose of reversing an opioid overdose by a health care provider in a hospital emergency department,

emergency medical services personnel, or a law-enforcement officer to a patient to whom opioids have been prescribed by a prescriber. (18102855D)

Prescription Monitoring Program

HB 148 (Rasoul) (HHWI) requires a prescriber to request and review information from the Prescription Monitoring Program prior to issuing a prescription for opioids, including a refill of an existing prescription for opioids. Currently, a prescriber is only required to request information from the Prescription Monitoring Program prior to initiating a new course of treatment that includes the prescribing of opioids anticipated at the onset to last more than seven consecutive days. (18101241D)

HB 313 (Head) (HHWI) provides that the Director of the Department of Health Professions shall annually review data collected by the Prescription Monitoring Program to identify those prescribers who, based on such data, fall within the top 10 percent of prescribers by quantity of covered substances prescribed and shall notify such prescribers thereof. (18101252D)

HB 333 (Yancey) (HHWI) provides that a prescriber initiating a new course of treatment to a human patient that includes the prescribing of opioids, anticipated at the onset of treatment to last more than seven consecutive days, shall not be required to request information about the patient from the Prescription Monitoring Program if the purpose of the prescription is the management of pain associated with cancer. (18103337D)

HB 452 (Yancey) (HHWI) provides that a prescriber initiating a new course of treatment to a human patient that includes the prescribing of opioids, anticipated at the onset of treatment to last more than seven consecutive days, shall not be required to request information about the patient from the Prescription Monitoring Program if the purpose of the prescription is the management of pain associated with fibromyalgia, provided that management of the patient's pain through means other than the prescription of opioids has been unsuccessful. (18103441D)

HB 503 (Mullin) (HHWI) adds the following individuals to the list of individuals to whom the Director of the Department of Health Professions (the Director) may disclose information about a specific recipient contained in the Prescription Monitoring Program: (i) a physician licensed in the Commonwealth or another state who is performing an evaluation of the recipient's fitness for work or to return to work in a safety-sensitive position, as defined by the recipient's employer, at the request of the recipient's employer and (ii) a physician licensed in the Commonwealth or another state who is performing an evaluation of the recipient's fitness for work at a place of employment with a written drug-free workplace policy following an offer of employment but prior to hiring the recipient, upon request of the employer and when the request is consistent with the employer's written drug-free workplace policy. In both cases, the bill requires that the information be requested and released only for the purpose of establishing the recipient's treatment history and that notice be made, in a manner specified by the Director in regulation, to the recipient that information from the Prescription Monitoring Program may be requested and received by the physician performing the fitness for work or return to work evaluation. (18100080D)

HB 1173 (Pillion) (HHWI) eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The provisions of the bill will expire on July 1, 2022. (18103269D)

HB 1295 (Rasoul) (HHWI) allows the Director of the Department of Health Professions to disclose certain information included in the Prescription Monitoring Program to a public institution of higher education for the purpose of bona fide research or education. (18101242D)

SB 632 (Dunnivant) (SEH) eliminates the surgical or invasive procedure treatment exception to the requirement that a prescriber request certain information from the Prescription Monitoring Program (PMP) when initiating a new course of treatment that includes prescribing opioids for a human patient to last more than seven days. Under current law, a prescriber is not required to request certain information from the PMP for opioid prescriptions of up to 14 days to a patient as part of treatment for a surgical or invasive procedure. The provisions of the bill will expire on July 1, 2022. (18101945D)

SB 728 (Dunnivant) (SEH) requires the Director of the Department of Health Professions to annually review controlled substance prescribing and dispensing patterns. The bill requires the Director to conduct such review in consultation with an advisory panel consisting of representatives from the relevant health regulatory boards, the Department of Health, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services. The bill requires the Director to make any necessary changes to the criteria for unusual patterns of prescribing and dispensing and report any findings and recommendations for best practices to the Joint Commission on Health Care by November 1 of each year. (18101925D)

SB 735 (Dunnivant) (SEH) allows the Director of the Department of Health Professions to disclose information about a specific recipient of covered substances who is a recipient of medical assistance services to a physician or pharmacist licensed in the Commonwealth or his designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Department of Medical Assistance Services, for the purpose of determining eligibility for and managing the care of the recipient in a Patient Utilization Management Safety or similar program. (18104483D)

Reporting of Overdoses

HB 1347 (Webert) (HHWI) requires the Office of the Chief Medical Examiner, state and local law-enforcement agencies, emergency medical services agencies, and hospitals to report information about overdoses of controlled substances within 120 hours of receiving such information to the Office of the Secretary of Health and Human Resources and for the Secretary

to make such information available to public health, law-enforcement, and emergency medical service agencies and fire departments and companies within 120 hours of receiving the information. The bill also requires the Secretary to report this information quarterly to the Governor and for such report to be made available to all public health, law-enforcement, and emergency medical services agencies in the Commonwealth. The bill is a recommendation of the Joint Commission on Health. (18102988D)

SB 804 (Carrico) (SEH) requires the Office of the Chief Medical Examiner, state and local law-enforcement agencies, emergency medical services agencies, and hospitals to report information about overdoses of controlled substances within 120 hours of receiving such information to the Office of the Secretary of Health and Human Resources and for the Secretary to make such information available to public health, law-enforcement, and emergency medical service agencies and fire departments and companies within 120 hours of receiving the information. The bill also requires the Secretary to report this information quarterly to the Governor and for such report to be made available to all public health, law-enforcement, and emergency medical services agencies in the Commonwealth. The bill is a recommendation of the Joint Commission on Health. (18103505D)

Procurement

HB 257 (Hope) (HGL) clarifies the definition of "responsible bidder" or "offeror" in the procurement act to provide that a determination of whether a bidder or offeror is responsible shall include a consideration of the bidder's or offeror's previous experience. (18102611D)

Public Safety/Criminal Justice

HB 64 (McQuinn) (HCCT) defines "making of fires," which under current law a locality can regulate or prohibit, as any use of a flame, including bonfires, cooking stoves, torches, and candles. (18100530D)

HB 187 (Hayes) (HCT)/**SB 24** (Spruill) (SCT)/**SB 49** (Cosgrove) (SCT) provides that a registered sex offender who enters an emergency shelter designated by the Commonwealth or any political subdivision thereof and operated in response to a declared state or local emergency shall, as soon as practicable after entry, notify a member of the shelter's staff who is responsible for providing security of such person's status as a registered sex offender. The bill provides that the shelter's staff may access the publicly available information on the Sex Offender and Crimes Against Minors Registry regarding such person and use such information in making reasonable accommodations to ensure the safety of all persons in the shelter; however, no person shall be denied entry solely on the basis of his status as a sex offender unless such entry is otherwise prohibited by law. The bill also requires that such person register with the local law-enforcement agency where the shelter is located within three days of entering the shelter if such person continues to reside in the shelter at that time. (18100352D, 18100809D, 18100660D)

HB 900 (Freitas) (HCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the

forfeiture action has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the owner of the property is a fugitive from justice, (ii) there is no identifiable owner of the property, (iii) the property has been abandoned, (iv) the owner denied ownership of the property during the prosecution of the offense, (v) the owner agrees to the forfeiture, (vi) the forfeiture is ordered by the court pursuant to a plea agreement, or (vii) the owner has not submitted a written demand for the return of the property within 21 days from the date the property was seized. The bill also provides that all forfeited cash and negotiable instruments and proceeds from the sale of forfeited property used in connection with crimes involving the manufacture, sale, or distribution of controlled substances or marijuana be deposited into the Drug Offender Assessment and Treatment Fund, which is appropriated by the General Assembly for various drug assessment and drug treatment activities conducted by the Department of Corrections, the Department of Juvenile Justice, the Department of Criminal Justice Services, the Commission on the Virginia Alcohol Safety Action Program, and the Office of the Executive Secretary of the Supreme Court of Virginia. Under current law, such forfeited property is deposited into a Department of Criminal Justice Services fund and used to promote state and local law-enforcement activities. The bill also provides that all forfeited cash, negotiable instruments, and proceeds from the sale of forfeited property seized by a federal agency and received by any state or local agency pursuant to federal law be deposited into the Drug Offender Assessment and Treatment Fund. The bill also requires the Comptroller to report annually to the Governor and the General Assembly on the amount of property forfeited to the Commonwealth and to establish and maintain a publicly available, searchable electronic database containing information regarding all property seized and forfeited. (18104392D)

SB 341 (Peake) (SCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the owner of the property or the person in whose custody such property is found has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property or the person in whose custody the property is found has not submitted a written demand for the return of the property within one year from the date the property was seized. (18103145D)

SB 463 (Reeves) (SCT) provides that 20 percent of all cash, negotiable instruments, and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees, and costs as provided in § 19.2-386.12, shall be paid into the Drug Offender Assessment and Treatment Fund. The remaining 80 percent of such property and proceeds will continue to be deposited into the special fund of the Department of Criminal Justice Services made available to federal, state, and local agencies to promote law enforcement. The bill provides that promoting law enforcement shall include activities calculated to enhance future investigations, law enforcement training, law enforcement equipment and operations, detention facilities, law enforcement facilities, drug education and drug addiction and rehabilitation programs, pro rata funding, and asset accounting and tracking and other expenses specifically approved by the Department of Criminal Justice Services that promote law enforcement in accordance with this section and regulations adopted by the Criminal Justice Services Board. (18100103D)

SB 813 (Peake) (SCT) provides that a state or local agency that receives a forfeited asset or an equitable share of the net proceeds of a forfeited asset from the Department of Criminal Justice Services (Department) or from a federal asset forfeiture proceeding shall inform the Department (i) whether such forfeited asset or equitable share was associated with a criminal charge and (ii) if such charge led to a conviction. The bill also provides that the Department shall include such information in the annual report that it provides to the Governor and the General Assembly concerning the sharing of forfeited assets. (18104283D)

Distracted Driving

HB 115 (Webert) (HCT) expands the conduct that constitutes reckless driving to include driving a vehicle without giving proper time and attention to driving. (18101082D)

HB 181 (Collins) (HCT) provides that any person who drives a vehicle on any highway (i) in a negligent manner but does not endanger the life, limb, or property of another or (ii) while using a handheld personal communications device where such use substantially diverts the driver's attention from the operation of the vehicle is guilty of improper driving. Current law authorizes a court to find a person charged with reckless driving not guilty of reckless driving but guilty of improper driving, which under current law is punishable as a traffic infraction with a fine of not more than \$500. (18101409D)

HB 426 (Levine) (HCT) provides that a person who operates a motor vehicle in a careless or distracted manner and causes of serious bodily injury to a pedestrian or person riding a bicycle, electric wheelchair, electric bicycle, wheel chair, skateboard, skates, foot-scooter, animal, or animal-drawn vehicle is guilty of a Class 1 misdemeanor. (18103164D)

HB 506 (Mullin) (HCT) provides that any person who drives a vehicle on any highway (i) in a negligent manner but does not endanger the life, limb, or property of another or (ii) while using a handheld personal communications device where such use substantially diverts the driver's attention from the operation of the vehicle is guilty of improper driving. Current law authorizes a court to find a person charged with reckless driving not guilty of reckless driving but guilty of improper driving, which under current law is punishable as a traffic infraction with a fine of not more than \$500. (18103078D)

HB 510 (Mullin) (HCT) provides that a person who, as a result of driving while in violation of the prohibition on using handheld personal communications devices in certain vehicles, unintentionally causes the death of another person is guilty of involuntary manslaughter, or aggravated involuntary manslaughter if the defendant's conduct was so gross, wanton, and culpable as to show a reckless disregard for human life. The bill establishes the penalty for aggravated involuntary manslaughter as one to 20 years' imprisonment with a mandatory minimum term of incarceration of one year. The bill creates a Class 6 felony if the driving while in violation of the prohibition on using handheld personal communications devices is so gross, wanton, and culpable as to show a reckless disregard for human life and results in the unintentional serious bodily injury of another resulting in permanent and significant physical impairment. (18104256D)

Driver's License Suspension

HB 599 (Carr) (HCT) 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 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 20-year period, as opposed to a 10-year period as current law provides, and has made at least one payment of at least five percent of the total delinquency or \$600, whichever is lesser, 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 15 years, as opposed to seven 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 10 years, as opposed to seven years under current law. (18101724D)

HB 633 (Krizek) (HCT) removes the existing provisions that a person's driver's license is suspended (i) when he is convicted of or placed on deferred disposition for a drug offense or (ii) for nonpayment of fines and court costs for offenses not pertaining to the operator or operation of a motor vehicle. The provisions of this bill that affect the Code of Virginia have a delayed effective date of September 1, 2018. (18102698D)

HB 941 (Lopez) (HCT) removes the requirement that a court suspend 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. The bill allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan. (18102707D)

SB 111 (Ebbin) (SCT) decriminalizes simple marijuana possession and provides a civil penalty of no more than \$50 for a first violation, \$100 for a second violation, and \$250 for a third or subsequent violation. Current law imposes a maximum fine of \$500 and a maximum 30-day jail

sentence for a first offense, and subsequent offenses are a Class 1 misdemeanor. The bill provides that the suspended sentence/substance abuse screening provisions and driver's license suspension provisions apply only to criminal violations or to civil violations by a juvenile. The bill provides that a court may suspend a driver's license for a civil violation committed by an adult. A civil violation will be treated as a conviction for prohibitions on the purchase or transport of a handgun and disqualification for a concealed handgun permit. (18101142D)

SB 181 (Stanley) (SCT) 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 provides that the Commissioner of the Department of Motor Vehicles shall return or reinstate any person's driver's license that was suspended solely for nonpayment of fines or costs. (18101254D)

SB 148 (Edwards) (SCT) removes the existing provisions that a person's driver's license is suspended (i) when he is convicted of or placed on deferred disposition for a drug offense or (ii) for nonpayment of fines and court costs for offenses not pertaining to the operator or operation of a motor vehicle. The provisions of this bill that affect the Code of Virginia have a delayed effective date of September 1, 2018. (18101577D)

SB 578 (Ebbin) (SCT) removes the requirement that a court suspend 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. The bill allows a court, after 90 days of nonpayment where the court finds the nonpayment was not an intentional refusal to obey the sentence of the court, to provide additional time for payment, reduce the amount of each payment installment, assign community service in lieu of payment, or waive the unpaid portion in whole or in part. Upon a finding that the nonpayment was an intentional refusal to obey the sentence of the court, a court may suspend the defendant's driver's license until payment in full or until the defendant enters into a payment plan. (18102708D)

Electronic Devices/Trespass

HB 342 (Herring) (HCT) provides that a person who owns property leased to another who peeps or spies, including using an electronic device to peep or spy, into a building or other structure occupied as a dwelling under circumstances that would violate the reasonable expectation of privacy of any person lawfully present in such building or structure is guilty of a Class 1 misdemeanor. Currently, such person must violate the reasonable expectation of the occupant of such building or structure. (18103679D)

SB 186 (Black) (SCT) authorizes a state or local government department, agency, or instrumentality having jurisdiction over criminal law-enforcement or regulatory violations to utilize an unmanned aircraft system without a search warrant when such system is utilized to support any locality for a purpose other than law enforcement. (18101447D)

SB 307 (Cosgrove) (STRAN) authorizes the Virginia Aviation Board to promulgate rules and regulations in reference to unmanned aircraft systems, defined in the bill, and for the Department of Aviation to enforce such rules and regulations. (18103986D)

SB 508 (Carrico) (SCT) allows the Department of State Police and the Department of Transportation to utilize unmanned aircraft systems in surveying the scene of an accident that occurred on a highway and recording images and video following such accident for the purpose of crash reconstruction. (18104197D)

SB 526 (Obenshain) (SCT) provides that any person who, after being given notice to desist, knowingly and intentionally causes any electronic device to enter the area of a dwelling house of another person or the curtilage thereof with the intent to coerce, intimidate, or harass any other person is guilty of a Class 3 misdemeanor and, upon a second or subsequent conviction, is guilty of a Class 2 misdemeanor. The bill also provides that anyone who is required to register with the Sex Offender and Crimes Against Minors Registry who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of another person is guilty of a Class 1 misdemeanor. Additionally, any respondent of a permanent protective order who uses or operates an unmanned aircraft system to knowingly and intentionally follow, contact, or capture images of the petitioner of the protective order, or the petitioner's family members, is guilty of a Class 1 misdemeanor. The bill also repeals the expiration of the prohibition on local regulation of privately owned, unmanned aircraft systems and clarifies that such prohibition extends to all political subdivisions and not only to localities. (18104450D)

Firearms

SB 350 (Peake) (SFIN) extends from five to 15 years the validity of a concealed handgun permit. (18100516D)

Taxation

HB 302 (Watts) (HCCT) grants counties with a population greater than 100,000 certain powers of cities and towns, including taxation, borrowing, and payments for highway maintenance. Currently, such powers are generally granted to cities and towns only. (18102516D)

HB 471 (Reid) (HLC) exempts new small businesses from (i) payment of unemployment, sales and use, and local license taxes and (ii) certain registration and reporting requirements with the State Corporation Commission. The bill defines an eligible business as any business that has its principal place of business in the Commonwealth, has not been in existence for more than five years, and has fewer than six employees or has paid less than \$5,000 for the purchase or lease of business personal property, including machinery and tools and merchants' capital, since its inception. (18103342D)

Transportation

HB 9 (Krizek) (HTRAN) requires all occupants of motor vehicles to utilize safety restraints. Current law requires safety belt use only by occupants under the age of 18, drivers, and passengers 18 years of age or older occupying the front seat. (18100423D)

HB 384 (Keam) (HRUL) directs the Secretary of Transportation to conduct a review of the Washington Metrorail Safety Commission Interstate Compact Board membership provisions. (18103775D)

HB 428 (Marshall, Daniel W.) (HTRAN) establishes a minimum speed of 45 miles per hour on interstate highways or other limited access highways with divided roadways, non-limited access highways having four or more lanes, and all primary highways. (18100384D)

HB 453 (Yancey) (HTRAN) requires that any person appointed to an airport board or authority created by a locality or group of localities (i) have a degree from an accredited university or at least five years of related experience in aerospace engineering, air transportation, business administration and management, aviation management, construction management, or facilities management or similar related degree; (ii) have at least five years of relevant experience as a pilot; (iii) be an attorney in good standing with the Virginia Bar Association; or (iv) have a master of business administration degree. The bill requires such airport boards or authorities who receive funding from the Department of Aviation or Virginia Aviation Board to keep records and submit a public report regarding the receipt and disbursement of such funds. (18101999D)

HB 475 (Reid) (HTRAN) prohibits the operation of a commercial motor vehicle in a high-occupancy vehicle lane on State Route 267. (18103382D)

HB 489 (Hurst) (HTRAN) clarifies that in localities in which the treasurer or director of finance has entered into an agreement with the Commissioner of the Department of Motor Vehicles (Commissioner) for the Commissioner to refuse to issue or renew vehicle registrations for persons with certain delinquent taxes or fees, the Commissioner shall refuse to issue or renew the vehicle registration of any applicant who owes any local vehicle license fees or delinquent tangible personal property tax, regardless of whether such fee or tax is related to the vehicle for which the applicant is seeking a vehicle registration or renewal. The bill requires the Department of Motor Vehicles to promulgate regulations consistent with the provisions of the bill. (18102036D)

HB 765 (Jones) (HTRAN) expands the responsibilities of the Office of Intermodal Planning and Investment of the Secretary of Transportation (Office). The bill clarifies the residency requirements for the urban and rural at-large members of the Commonwealth Transportation Board (Board) and provides that no member of a governing body of a locality is eligible to be appointed to the Board during his term of office. The bill provides that the Board's Six-Year Improvement Program shall only commit funds from the State of Good Repair Program, the High Priority Projects Program, or the Construction District Grant Programs to a project or program if such commitment is sufficient to complete the project or program. The bill expands

the requirements of the annual report provided by the Commissioner of Highways and requires the Office to submit an annual report as described in the bill. The bill decreases the maximum matching allocation that the Board may make to a locality from \$10 million to \$5 million and provides that such funds can be used for the maintenance of highway systems. The bill changes the amount of Commonwealth funds allocated to the Board for revenue-sharing from no less than \$15 million and no more than \$200 million to not in excess of \$100 million or seven percent of funds available for distribution by the Board from all funds made available for highway purposes, whichever is greater. (18101751D)

SB 104 (Suetterlein) (Reported from STRAN) raises from 80 to 85 miles per hour the speed above which a person who drives a motor vehicle on the highways in the Commonwealth is guilty of reckless driving regardless of the applicable maximum speed limit. (18100616D)

SB 147 (Edwards) (STRAN) requires travel time reliability to be one of the factors used by the Commonwealth Transportation Board in its statewide prioritization process for project selection. (18101565D)

SB 623 (Surovell) (STRAN) requires the Department of Transportation to create and maintain an Electronic Routing Registry (the Registry) of highways where electronic routing of through traffic is prohibited and provides the criteria for a highway to be eligible for placement on the Registry at the request of a locality. The bill requires that a digital routing provider remove a highway placed on the Registry from its routing algorithms within six months of such placement and provides that any digital routing provider who violates such requirement is subject to a \$500 civil penalty for each day it is in violation. (18104485D)

SB 678 (Deeds) (STRAN) provides that a locality may, by ordinance, establish a speed enforcement program utilizing an automated speed monitoring system that creates recorded images of vehicles traveling at least 10 miles per hour in excess of the maximum applicable speed limit. The penalty imposed for violating applicable speed limits where such violation is established by recorded images produced by a speed monitoring system cannot exceed \$50. The bill provides that a locality may install and operate a speed monitoring system only at residence districts, school crossing zones, and highway work zones. The procedures for operating a speed monitoring system and issuing summons to violators and the rights of such violators, including the right to appeal to circuit court, parallel those currently in place for red light violations recorded by photo-monitoring systems at traffic lights. (18101223D)

SB 687 (Deeds) (SFIN) lowers the minimum sales and use tax on the sale of a motor vehicle in the Commonwealth from \$75 to \$35. (18100545D)

Towing

HB 1406 (Pogge) (HTRAN) creates a mechanism whereby towing and recovery operators that tow certain abandoned or immobile vehicles on behalf of a law-enforcement agency may recover costs for storage, towing, and recovery fees from such law-enforcement agency. The bill

provides that such law-enforcement agency may seek full reimbursement of the costs from the state treasury from the appropriation for criminal charges. (18104430D)

SB 492 (Carrico) (STRAN) increases the maximum hookup and towing fee for passenger vehicles from \$135 to \$150. The bill also increases in Planning District 8 (Northern Virginia) the hookup and initial towing fee for motor vehicles, trailers, and parts thereof from \$135 to \$150 and sets the hookup and initial towing fee at \$250 and \$500, respectively, for medium motor vehicles and heavy motor vehicles, which are defined in the bill. The bill provides that local towing advisory boards may establish reasonable limits on fees charged for the removal of medium and heavy vehicles. The bill contains technical amendments. (18100583D)

Transportation Studies

HJ 58 (Carroll Foy) (HRUL) requests that the Department of Rail and Public Transportation (the Department) 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 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 on its findings and recommendations on the first day of the 2019 and 2020 Regular Sessions of the General Assembly. (18102664D)

HJ 68 (Roem) (HRUL) requests that the Department of Transportation study the feasibility of implementing improvements to State Route 28 in Prince William County between the City of Manassas Park and Fairfax County. (18103805D)

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

Miscellaneous

HB 224 (Krizek) (HED) 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, 2036, each school bus that it uses for the transportation of students is equipped with a seat belt in every seat. (18101489D)

HB 566 (Gooditis) (HCT) requires the Virginia Conflict of Interest and Ethics Advisory Council to conduct an annual inspection of a random sample of disclosure statements filed with the Council to determine compliance with applicable disclosure requirements and limitations on gifts, the accuracy of information disclosed, and whether filing deadlines were met. The bill requires such random sample to include the disclosure forms of (i) one member of the House of Delegates and one Senator and (ii) one percent of all state officers and employees and one percent of all lobbyists who file such forms. (18100900D)

HB 605 (Carr) (HCCT) authorizes any locality to adopt an ordinance prohibiting any person from leaving a motor vehicle unattended while the motor vehicle is running, including a vehicle

that remains stationary in the parked or neutral position. Such ordinance shall not apply to any commercial, law-enforcement, fire, or emergency medical services vehicle. (18103501D)

HJ 97 (Gilbert) (HRUL) directs the Joint Legislative Audit and Review Commission to study and report on the efficiency and effectiveness of pretrial services agencies in the Commonwealth. (18104124D)

HJ 106 (Gooditis) (HRUL) requests the Broadband Advisory Council to develop a system for rating communities that indicates where the most people can be served by increased broadband coverage for the least cost. (18101025D)

SB 20 (Chase) (SRUL) creates the Red Tape Reduction Commission (the Commission) to develop and maintain a state regulatory baseline of all current state regulatory requirements, with the initial baseline to be completed by January 1, 2020. The bill defines a regulatory requirement as any action required to be taken or information required to be provided in accordance with a statute or regulation in order to access government services or operate and conduct business and excludes requirements that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved or to meet requirements of federal law or regulations. The bill also provides that after the regulatory baseline has been established, any subsequent regulatory requirement proposed by an agency that is not included in the initial state regulatory baseline is considered a new regulatory requirement and requires the approval of the Commission before it may be enacted. The bill prohibits the Commission from approving a new regulation unless it replaces or repeals at least two existing regulations, until the total baseline has been reduced by 35 percent. Thereafter, approvals and corresponding replacement or repeal by the Commission shall be on a one-for-one basis. In addition, the bill provides for the Commission to review current state regulatory requirements and provide recommendations to the Governor and General Assembly on measures to reduce the baseline regulatory requirements. The bill requires the Commission to submit a report to the Governor and General Assembly by November 1, 2018, on (i) the organizational structure of the Commission, (ii) duties of staff, and (iii) guidelines for determining what constitutes a regulatory requirement. (18100264D)

Animals

HB 865 (Orrock) (HAG) authorizes any local governing body to adopt an ordinance that requires any pet shop or dealer in companion animals to furnish a bond of as much as \$5,000 for each out-of-state commercial breeder whose animals the shop or dealer offers for sale. (18100009D)

HB 870 (Orrock) (HCCT) authorizes a locality to require by ordinance that a pet shop furnish a cash bond of up to \$5,000 per dealer from whom the pet shop has obtained an animal for sale within the past year. The bill requires that the cash bond be held in escrow until the pet shop is no longer in business, the pet shop has not conducted business with such dealer within the past year, or the cash bond is disbursed to a purchaser of an animal that is unfit for purchase. (18101098D)

Elections

SB 521 (Obenshain) (Reported from SCT) requires local electoral boards to direct general registrars to investigate the list of registered voters whenever the number of registered voters in a county or city exceeds the population of persons age 18 or older, based on the most recent population estimate of the Weldon Cooper Center for Public Service of the University of Virginia. The bill also requires the local electoral boards to direct the general registrars to investigate the list of persons voting at an election whenever the number of persons voting at any election in a county or city exceeds the number of persons registered to vote in that county or city. The Department of Elections is required to provide certain data to any general registrar conducting such an investigation for the registrar's use during the investigation. The bill requires local electoral boards to make reports of the findings to the State Board and requires such reports to be made public. (18103155D)

Environment

SB 211 (Stuart) (SLG) authorizes a locality to show in the locality's comprehensive plan the locality's long-range recommendations for groundwater and surface water availability, quality, and sustainability. The bill requires the local planning commission to survey and study groundwater and surface water availability, quality, and sustainability in the preparation of a comprehensive plan. (18100926D)

SB 219 (Lewis) (SPE) provides for a referendum at the November 6, 2018, election to approve or reject an amendment to allow the General Assembly to authorize the governing bodies of counties, cities, and towns to provide for a partial exemption from local real property taxation, within such restrictions and upon such conditions as may be prescribed, of improved real estate subject to recurrent flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken. (18104027D)

SB 340 (Peake) (Passed Senate) Requires the Director of the Department of Environmental Quality to prioritize cost effective technologies to reduce nutrient loads of total phosphorus, total nitrogen, or nitrogen-containing ammonia over other water quality improvement methods in distributing grants from the Virginia Water Quality Improvement Fund subsequent to satisfaction of nutrient reductions of regulations, permits, or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill places certain limitations on grants for technologies to reduce nitrogen-containing ammonia. The bill also requires the Department of Environmental Quality to prepare a preliminary estimate of the amount and timing of Water Quality Improvement Grants required to fund projects to reduce loads of nitrogen-containing ammonia at certain levels based on an estimate of the anticipated range of costs for all publicly owned treatment works if the State Water Control Board were to adopt the 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia published by the U.S. Environmental Protection Agency. (18103170D-E)

SB 344 (Peake) (Passed Senate) directs the State Water Control Board not to adopt certain U.S. Environmental Protection Agency (EPA) freshwater ammonia water quality criteria (the

Criteria) until all other states in EPA Regions III and IV have done so, unless the EPA Administrator informs the Commonwealth in writing that such timing is unlawful under the federal Clean Water Act. The bill also directs the Department of Environmental Quality to (i) identify any other states that have adopted the Criteria as of July 1, 2018; (ii) identify those procedures for the implementation of the Criteria that will minimize the impact of such implementation on Virginia sewerage systems while complying with the Clean Water Act; and (iii) report its findings to the Chairmen of the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, the Senate Finance Committee, and the House Appropriations Committee by November 1, 2018. (18105302D-S1)

SJ 21 (Lewis) (SPE) provides that the General Assembly may authorize a county, city, or town to partially exempt any real estate subject to recurring flooding upon which flooding abatement, mitigation, or resiliency efforts have been undertaken. (18102801D)

Freedom of Information Act

HB 213 (Mullin) (HGL) requires that formal advisory opinions issued by the Virginia Freedom of Information Advisory Council (Council) be approved by the Council and, after such approval, be published on the Council's website. The bill also provides that no officer, employee, or member of a public body shall be found to have willfully and knowingly violated certain enumerated provisions of the Freedom of Information Act if the alleged violation resulted from his good faith reliance on a formal advisory opinion of the Council made in response to his written request for such opinion and such opinion was made after a full disclosure of the facts. (18101377D)

HB 228 (Cole) (HGL) provides that notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of the Virginia Public Records Act (§ 42.1-76 et seq.). The bill provides that this provision shall not be deemed to affect any law governing the retention of exhibits received into evidence in a criminal case in any court. (18102370D)

SB 730 (DeSteph) (SGL) clarifies that the definition of "public record" does not include records that are not prepared for or used in the transaction of public business. The bill defines "social media account" and creates a new discretionary exemption for social media records of General Assembly members when such records relate to the use of a social media account by a member in such member's individual capacity. The bill requires the public body to be a necessary party in any enforcement proceeding. (18100455D)

Human Services

SJ 53 (Deeds) (SRUL) directs the Virginia Housing Commission to study accessory dwelling structures, defined as additional living quarters on single-family dwelling structures that are independent of the primary dwelling unit. In conducting the study, the Commission is to review

(i) the prevalence and necessity for accessory dwelling structures, (ii) relevant provisions of the Uniform Statewide Building Code, and (iii) the feasibility of changing land use and zoning practices in order to facilitate their expanded use. The bill also directs the Commission to make recommendations concerning the use and placement of accessory dwelling structures. (18103105D)

Land Use

HB 245 (Krizek) (HCCT) provides that a nonconforming use may be continued so long as the use is not discontinued for more than one year and meets other conditions. Existing law provides that such use shall not be discontinued for more than two years. (18100239D)

Public Safety

SB 33 (Stanley) (SCT) eliminates the requirement that the Virginia Department of Transportation receive written assurance from the Federal Highway Administration of the U.S. Department of Transportation that Virginia will not lose any federal funds as a prerequisite to implementing revisions enacted in 2017 that except persons who have been placed on deferred disposition for simple possession of marijuana, subject to certain exceptions, from the existing provision that a person loses his driver's license for six months when convicted of or placed on deferred disposition for a drug offense. The bill contains an emergency clause. (18100452D)

SB 457 (Howell) (SCT) provides that upon request of a crime victim or a witness in a criminal prosecution of a violent felony, law enforcement, the attorney for the Commonwealth, counsel for a defendant, and the Department of Corrections are prohibited from disclosing any telephone number or email address of such victim or witness except to the extent that such disclosure is required by law, necessary for law-enforcement purposes, or permitted by the court. The bill also provides that during any criminal proceeding, upon motion of the defendant or the attorney for the Commonwealth, a judge may prohibit testimony as to any telephone number or email address of a victim or witness if the judge determines that this information is not material under the circumstances of the case. This bill is a recommendation of the Virginia State Crime Commission. (18103936D)

Studies

HJ 29 (Bell, Richard P.) (HRUL) directs the Joint Legislative Audit and Review Commission (JLARC) to conduct a comprehensive review of the Children's Services Act (§ 2.2-5200 et seq.), including its administration, structure, funding sources, and covered services. The resolution directs JLARC to make recommendations for improvement in these areas and to ensure the future success of the Children's Services Act. (18102427D)

HJ 93 (Lopez) (HRUL) directs the Department of Environmental Quality to study whether the planting and preservation of trees shall be certified as a stormwater best management practice and, if so, how much credit shall be awarded. (18104546D)

Transportation

SB 601 (Vogel) (STRAN) exempts Planning District 16 (George Washington) from any requirement by a towing advisory board for written authorization, in addition to a written contract, in the event that a vehicle is being removed from private property. The bill requires that localities in Planning District 16 establish by ordinance (i) a hookup and initial towing fee of \$135; (ii) an additional fee of \$25 for towing at night, on weekends, or on a holiday; and (iii) that no fee pursuant to clause (ii) shall be charged more than twice for a tow. (18103338D)

SB 400 (Lewis) (SPE) provides for a referendum at the November 6, 2018, general election to approve or reject an amendment to the Constitution that would require the General Assembly to maintain permanent and separate Transportation Funds. The amendment directs that revenues dedicated to Transportation Funds on January 1, 2018, 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 Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years. (18103906D)

Legislation Provided for Information

HJ 40 (Yancey) (HRUL) expresses the sense of the General Assembly that the complicated regulatory hurdles associated with employing workers under the age of 18 make it difficult to get them the experience they need to be productive workers and that early outreach to students may help facilitate getting students on a career track earlier. (18104079D)

SB 199 (DeSteph) (SCT) provides that before bringing a civil action based on the failure to remove an architectural barrier, as defined in the bill, to access into an existing public accommodation, the aggrieved person shall provide to the owners or operators a written notice that (i) provides the name of the individual alleging a failure to remove the architectural barrier; (ii) provides the date, place, and manner in which the aggrieved person discovered the alleged violation; (iii) cites the law alleged to be violated; (iv) identifies each architectural barrier that is the subject of an alleged violation and specifies its location on the premises; and (v) provides a reasonable period for response, which shall not be less than 60 days after receipt of notice. The bill prohibits the aggrieved person from including in the notice a request or demand for money or an offer or agreement to accept money but provides that such notice may offer to engage in settlement negotiations before litigation. The owner or operator may submit to the aggrieved person within the time period either a notice of the correction describing each correction and the manner in which the correction addresses the alleged violation or a notice of explanation if the owner or operator concludes that an alleged violation has not occurred and that a correction is not necessary. The bill defines "aggrieved person" as a person with a disability who patronized or attempted to patronize a public accommodation, encountered a barrier to his access to the public accommodation, and experienced denial of access to the public accommodation based on his disability. (18100156D)

SB 481 (Reeves) (SCT) decreases the time period in which a plaintiff who takes a voluntary nonsuit may recommence this action from six months to 14 days from the date the nonsuit was entered. The bill does not change the provision allowing for recommencement of the action within the original period of limitation, if longer than 14 days from the date the nonsuit was entered. The bill further provides that a plaintiff who has taken a voluntary nonsuit shall serve the defendant within three months of the recommencement of the action. The bill contains a technical amendment. (18103995D)

SB 606 (Ebbin) (SRSS) establishes in the Department of Social Services an Office of Immigrant Assistance (the Office) to assist persons lawfully entering the United States and the Commonwealth for the purpose of becoming citizens. The Office shall provide (i) advice and assistance regarding the citizenship application process; (ii) assistance with finding and securing employment, housing, and services for which such persons may be eligible; (iii) information to localities about state programs that help such persons find and secure employment, housing, and services for which they may be eligible; and (iv) information to localities and immigrant service organizations regarding health epidemics and unlawful predatory actions, such as human trafficking, gang recruitment, and fraudulent financial and other schemes, to which communities of such persons may be especially vulnerable. (18103009D)

Administration of Government

SB 414 (McDougle) (SFIN) provides for the Department of Agriculture and Consumer Services to issue permits for the operation of a micro market, which is defined in the bill as an unattended, self-checkout retail food establishment located in the interior of a building that is accessible to a defined population, such as the employees of a particular employer or occupants of the building in which the micro market is located, and is not accessible to the general public. The bill establishes minimum standards for the operation of a micro market and provides that any person who operates a micro market without the required permit or violates a condition of such permit is guilty of a Class 1 misdemeanor. (18104431D)

SB 371 (Chafin) (SLG) authorizes a locality to establish, conduct, and regulate public boating, canoeing, kayaking, and tubing activities on property adjacent to public waterways and to set apart for such use any land or buildings owned or leased by it and obtain licenses or permits for such use on land not owned or leased by it. The bill also exempts such localities, and the owners of property leased or licensed for such use, from liability for injuries to a person or his property on systems of trails for hiking, biking, and horseback riding and from boating, canoeing, kayaking, or tubing activities on property adjacent to public waterways in the absence of gross negligence or willful misconduct. Current law exempts such localities, and the owners of property leased or licensed for such use, from liability only for injuries to a person or property on systems of trails used for all-terrain vehicles or off-road motorcycles in the absence of gross negligence or willful misconduct. (18100725D)

Animals

SB 28 (Stanley) (SFIN) prohibits appropriating or expending state funds for or to any organization, whether public or private, to carry out any medically unnecessary scientific or medical research that causes significant pain or distress to a dog or cat. The bill defines "significant pain or distress" to include any procedure or condition classified under pain and distress category E by the Department of Agriculture. In addition to any other applicable penalty, any person violating the prohibition on expending state funds for such research will be liable for a civil penalty not to exceed \$50,000 per incident. (18105009D-S1)

SB 571 (DeSteph) (SFIN) requires a representative of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon taking custody of any companion animal from a person in the course of his official duties, to obtain a signed statement from such person indicating whether, if known, the companion animal has bitten a person or other animal and the circumstances and date of such bite. The bill requires any representative of a releasing agency, animal control officer, law-enforcement officer, or humane investigator, upon release of a companion animal for (i) adoption, (ii) return to a rightful owner, or (iii) transfer to another agency, to disclose, if known, that a companion animal has bitten a person or other animal and the circumstances and date of such bite. Willful failure to disclose such information is punishable by a civil penalty not to exceed \$1,000. The bill makes technical amendments with regard to use of the definition of "releasing agency." (18100873D)

SB 729 (DeSteph) (SCT) provides that a person who commits an act of aggravated cruelty on a companion animal is guilty of a Class 6 felony. The bill defines "aggravated cruelty" and "torture." The bill increases from a Class 1 misdemeanor to a Class 6 felony the penalty for torturing, killing, or willfully inflicting inhumane injury or pain to a dog or cat. Current law requires that the dog or cat die as a direct result of the torture or cruelty before the violation is a Class 6 felony. (18100183D)

Education

HB 81 (Krizek) (HED) eliminates the requirement that school boards appoint a new division superintendent (i) within 180 days after a vacancy occurs or (ii) within 60 days after an appointed division superintendent who has not yet assumed his office is granted a release from such appointment. (18101003D)

HB 438 (Bulova) (HCT) prohibits any person who is an employee, contractor, or agent of a public school or accredited private school from assisting an employee, contractor, or agent in obtaining a new job if such person knows or has probable cause to believe that such employee, contractor, or agent engaged in sexual misconduct regarding a minor or student. (18102260D)

HB 685 (Ransone) (HST) establishes the Cybersecurity Student Loan Repayment Grant Program, to be administered by the State Council of Higher Education for Virginia (the Council), whereby renewable grants of up to \$20,000 of matching state and employer funds are provided on a competitive basis to an individual who (i) either (a) graduated within the past year from a

public institution of higher education or nonprofit private institution of higher education with an undergraduate or graduate degree in computer science or another academic program recognized by the Council to prepare an individual for a career in cybersecurity and who resides in the Commonwealth or (b) has served on active duty in the Armed Forces of the United States, was discharged or released within the past year from such service under conditions other than dishonorable, gained experience or received training in computer science during such service, and resides in the Commonwealth and (ii) accepts an offer of employment in a computer science position with any federal or state organization, including any federal or state military or defense organization, that is located in the Commonwealth or any private organization that contractually provides cybersecurity services for any such federal or state organization and that is located in the Commonwealth. The bill contains provisions relating to program administration and dissemination of information and reporting on the program. (18100586D)

HB 711 (Adams, Dawn M.) (HRUL) establishes the 19-member Commission on Educational Parity (the Commission), consisting of six members of the House Committee on Education, four members of the Senate Committee on Education and Health, four members of the Board of Education, and five non-legislative citizen members, including at least one member of a parent-teacher association and at least one teacher, for the purpose of ensuring that the General Assembly and the Board of Education collaborate in the fulfillment of their constitutional duty to provide a system of high quality public elementary and secondary schools in the Commonwealth. The bill requires the Commission to (i) determine legislative priorities for achieving parity in educational outcomes for each public elementary and secondary school student in the Commonwealth, (ii) review the extent to which effective public elementary and secondary school teachers and principals are equitably distributed throughout the Commonwealth and make recommendations regarding how to more equitably distribute such effective personnel throughout the Commonwealth, and (iii) review the standards for public school buildings and maintenance and make recommendations regarding how to more equitably ensure the physical quality of the learning environment in each public elementary and secondary school. The provisions of the bill sunset on July 1, 2021. (18103025D)

SB 80 (Favola) (SRUL) establishes the School Health Advisory Board in the executive branch to advise the General Assembly and the Governor on pending or proposed legislation concerning the role of employees in public elementary or secondary schools in providing health care services at such schools and provide guidance on any associated training requirements. (18100382D)

SB 303 (Marsden) (SEH) requires each school board to (i) develop and implement a policy to prohibit the use of tobacco products and nicotine vapor products on a school bus, on school property, or at a school-sponsored activity and (ii) include in its code of student conduct a prohibition against possessing tobacco products or nicotine vapor products on a school bus, on school property, or at a school-sponsored activity. (18102353D)

SB 401 (Lewis) (SRUL) directs the Department of Environmental Quality and the Department of Education to update the "Window into a Green Virginia" curriculum developed by the Departments for sixth grade science to include a unit on the benefits, including the energy benefits, of recycling and reuse. (18102800D)

Charter Schools

SB 516 (Obenshain) (SEH) authorizes the Board of Education (the Board) to establish regional charter school divisions consisting of at least two but not more than three existing school divisions in regions in which each underlying school division has (i) an enrollment of more than 3,000 students and (ii) one or more schools that have accreditation denied status for two out of the past three years. The bill requires such regional charter school divisions to be supervised by a school board that consists of eight members appointed by the Board and one member appointed by the localities of each of the underlying divisions. The bill authorizes the school board, after a review by the Board, to review and approve public charter school applications in the regional charter school divisions and to contract with the applicant. The bill requires that the state share of Standards of Quality per pupil funding of the underlying school district in which the student resides be transferred to such school. (18103149D)

K-12 Studies

HJ 19 (Bell, Richard P.) (HRUL)/**SJ 62** (Newman) (SRUL) continues for one additional year the Joint Committee of the Senate Committee on Education and Health and the House Committee on Education to Study the Future of Public Elementary and Secondary Education in the Commonwealth, consisting of six members of the Senate and seven members of the House Committee on Education. (18103172D, 18103703D)

SB 738 (Newman) (SRUL) establishes the 20-member Commission on the Future of Public Elementary and Secondary Education (the Commission), consisting of seven members of the House Committee on Education, six members of the Senate, five non-legislative citizen members, the Superintendent of Public Instruction or his designee, and the Secretary of Education or his designee, for the purpose of ensuring a deliberate, thoughtful, coordinated, and year-round approach to legislative education reform in the Commonwealth. The bill requires the Commission to (i) collaborate with the Board of Education, the Department of Education, the Standards of Learning Innovation Committee, and other interested stakeholders to study (a) the need for revisions to or reorganization of the Standards of Quality with a particular emphasis on the effective use of educational technology, (b) emerging education issues in the Commonwealth, and (c) the future of public elementary and secondary education in the Commonwealth and (ii) establish and appoint members from a variety of stakeholder organizations to subcommittees in distinct subject matter areas. The provisions of the bill sunset on July 1, 2021. (18101932D)

School Calendar

HB 36 (Kory) (HED) 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. (18100646D)

HB 38 (Habeeb) (HED) 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. (18101695D)

HB 354 (Reid) (HED) 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. (18102549D)

HB 372 (Robinson) (HED) 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 2017-2018 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. (18101760D)

SB 300 (Favola) (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. (18101469D)

Textbooks

SB 785 (Surovell) (SEH) prohibits local school boards from requiring the use of any electronic textbook in any course in grades six through 12 unless the school board adopts a plan to ensure that by July 1, 2020, (i) each student enrolled in such course will have access to a personal computing device capable of supporting such textbooks and (ii) the relevant school has adequate connectivity, which the bill defines as bandwidth of at least one megabit per second per enrolled student. (18103352D)

Elections

SB 564 (Obenshain) (SCT) provides that a clerk of court shall make non-confidential court records available to the public upon request. The bill specifies that such records shall be provided no later than 30 days after the request. The bill further provides that the clerk may charge a fee for responding to such request that shall not exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested records. Finally, the bill requires the Executive Secretary of the Supreme Court to make available to the public an online case information system of non-confidential information for criminal cases by July 1, 2019. (18104550D)

Environment

HB 400 (Keam) (HCCT) authorizes any locality in the Chesapeake Bay watershed to adopt an ordinance providing for the planting and replacement of trees during the land development process. Current law only allows a locality with a population density of at least 75 persons per square mile to adopt such an ordinance. The bill authorizes such an ordinance to exceed the requirements set out in the section. (18102199D)

HB 771 (Jones) (HAG) creates an advisory board and a laboratory to monitor the effects of the Sustainable Water Infrastructure for Tomorrow (SWIFT) Project being undertaken by the Hampton Roads Sanitation District (HRSD). The bill establishes an eight-member advisory board called the Potomac Aquifer Recharge Oversight Committee (the Committee), directing it to ensure that the SWIFT Project is monitored independently. The bill provides that the Committee shall consist of the State Health Commissioner, the Director of the Department of Environmental Quality, the Executive Director of the Hampton Roads Planning District Commission, the two Co-Directors of the Laboratory, the Director of the Occoquan Watershed Monitoring Laboratory, and two Virginia citizens appointed by the Governor, and the bill also provides for two nonvoting members. The Committee is required by the bill to meet at least quarterly during the initial three years of its existence. The bill also authorizes the Committee to appoint a science and technical advisory council and directs the Committee to request funding from HRSD for the first three years of monitoring of the recharge of the aquifer. The bill also creates the Potomac Aquifer Recharge Monitoring Laboratory (the Laboratory) at Old Dominion University (ODU), placing it under the direction of an ODU faculty member and the co-direction of a faculty member at Virginia Tech. The bill provides that the Laboratory shall monitor the impact of the SWIFT Project on the Potomac Aquifer, manage testing data, and conduct water sampling and analysis. The bill authorizes both the Commissioner of the Department of Health and the State Water Control Board to issue emergency orders to halt injection or make any change to any facility of the SWIFT Project. (18104334D)

SB 507 (Carrico) (SACNR) provides that in a locality that is located entirely outside of the Chesapeake Bay watershed, the State Water Control Board and the Department of Environmental Quality shall apply the water quality and water quantity requirements that were in effect prior to July 1, 2014. (18103946D)

SB 693 (Lewis) (SFIN) establishes the Virginia Waterway Maintenance Grant Program and Fund, administered by the Virginia Port Authority (the Authority), to provide grants, from funds transferred to the Fund from Commonwealth Port Fund, to local governing bodies that propose certain dredging projects and related activities. The bill directs the Authority to manage the Grant Program by developing guidelines and procedures for the application process and for the awarding of annual grants. (18102798D)

Health and Human Services

HB 192 (Yancey) (HHWI) directs the State Department of Health (the Department) to adopt regulations regarding the use of gray water and rainwater. The regulations shall provide

standards for the use of rainwater harvesting systems. The bill also directs the Department to consider recognizing rainwater as an independent source of fresh water. (18101454D)

HB 216 (Krizek) (HHWI)/**SB 156** (Edwards) (SCT) provides that the annual report that is required to be filed by a guardian with the local department of social services must also include a report by a licensed physician, licensed psychologist, or other licensed professional who has examined the incapacitated person no more than 90 days prior to the end of the applicable reporting period. The bill further provides that a court may issue a summons or motion to show cause why the guardian has not filed a timely annual report upon notification from the local department of social services that such report has not been filed. (18101380D, 18101381D)

HB 241 (Brewer) (HHWI) lowers from three years to two years the amount of time a child must have continuously resided with or been under the physical custody of the prospective close relative adoptive parent in order for the adoption proceeding to commence in circuit court and be exempt from the parental placement provisions. (18103409D)

HB 278 (Collins) (HCT) provides that a court may adjust the costs of a guardian ad litem's services for good cause shown or upon the failure of the guardian ad litem to substantially comply with the standards adopted for attorneys appointed as guardians ad litem. (18103667D)

HB 309 (Watts) (HHWI) increases the staffing and care standards in nursing homes to require a minimum of specific direct care services to each resident per 24-hour period. (18103092D)

HB 456 (Filler-Corn) (HHWI) repeals provisions authorizing an obligee to petition for and a circuit court to order the suspension of any state-issued license to engage in a health care profession or occupation when an obligor is delinquent or in default in the payment of a federally guaranteed or state-guaranteed educational loan or work-conditional scholarship. (18101926D)

HB 832 (Bell, Richard P.) (HHWI) authorizes the State Health Commissioner to accept, review, and issue a certificate of public need for open heart services in Planning District 8, provided that certain conditions are met. The bill provides that the Commissioner shall not deny the application on the basis of the economic or service volumes impact on existing providers. (18102448D)

HJ 81 (Delaney) (HRUL)/**SJ 47** (Ebbin) (SRUL) designates the third full week of September, in 2018 and in each succeeding year, as Fall Prevention Awareness Week in Virginia. (18103457D, 18100470D)

HJ 84 (Plum) (HRUL) encourages the Governor to enter into an agreement with the U.S. Secretary of Health and Human Services to extend to all eligible residents of the Commonwealth the full range of services, benefits, and programs available under federal law and regulations through the Medicaid program. (18102342D)

SB 121 (Wexton) (Senate Floor) repeals the expiration date and contingency on 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 their agents 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 of 2014, 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. (18100999D-E)

SB 290 (McClellan) (SGL) expands from specific localities to any locality the scope of existing enabling legislation related to affordable dwelling unit ordinances, making such legislation applicable statewide. Other existing statewide provisions related to affordable dwelling unit ordinances are repealed and references to those provisions are deleted. (18101959D)

SB 305 (Dance) (SEH)/**SB 327** (Ruff) (SEH) directs the Department of Health, in partnership with the Alzheimer's Disease and Related Disorders Commission, the Department for Aging and Rehabilitative Services, and the Alzheimer's Association, to incorporate in its existing, relevant public health outreach programs information (i) to educate health care providers on the importance of early detection and timely diagnosis of cognitive impairment, validated cognitive assessment tools, the value of a Medicare Annual Wellness visit for cognitive health, and the new Medicare care planning billing code for individuals with cognitive impairment and (ii) to increase understanding and awareness of early warning signs of Alzheimer's disease and other types of dementia, the value of early detection and diagnosis, and how to reduce the risk of cognitive decline, particularly among persons in diverse communities who are at greater risk of developing Alzheimer's disease and other types of dementia. (18102052D, 18102673D)

SB 347 (Peake) (SEH) requires that the information physicians report on a patient diagnosed with cancer to the statewide cancer registry include information, with the patient's consent, regarding the patient's work history as a firefighter, if any, including (i) his status as a volunteer, paid on-call, or career firefighter; (ii) the number of years on the job; and (iii) a measure or estimate of the number and type of fire incidents attended. The bill also provides that one purpose of the statewide cancer registry is to collect data to evaluate potential links between exposure to fire incidents and cancer incidence. (18102851D)

Emergency Air Medical Transportation

HB 777 (Ransone) (HHWI) requires emergency medical services personnel, prior to initiating contact with an emergency air medical transportation provider for air transport of a patient, to obtain written consent from the patient after disclosing certain information. The bill provides that emergency medical services personnel shall be exempt from such requirements if compliance might jeopardize the health or safety of the patient or the patient is unable to provide consent. (18102247D)

HB 778 (Ransone) (HHWI) requires a health care provider, before arranging for air ambulance services for an individual known to be covered under a health benefit plan, to provide the covered person or his authorized representative a written disclosure and obtain the covered person's or his representative's signature on the disclosure document. The disclosure includes statements that (i) the air ambulance provider may be an out-of-network provider; (ii) if so, the air ambulance provider has not agreed to hold covered persons harmless from payment of any balance due after receiving any payment from the carrier under the covered person's health benefit plan; (iii) indicate the range of the typical charges for out-of-network air ambulance services for which the covered person may be responsible; and (iv) the covered person or his representative may agree to accept and pay the charges of the air ambulance provider as an out-of-network provider, contact the covered person's carrier for additional assistance, or rely on other rights and remedies that may be available under state or federal law. The disclosure is also required to include a statement that the covered person or the covered person's authorized representative may obtain a list of air ambulance providers from the covered person's carrier that are participating providers and may request that the health care provider arrange for air ambulance providers that are participating providers. The measure also provides that if the health care provider is unable to provide the written disclosure or obtain the signature of the covered person or his authorized representative, the health care provider is required to document the reason therefor. (18103240D)

Mental Health

HB 1133 (Rasoul) (HCT) 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. (18102071D)

Southwestern/Southeastern Virginia Training Centers

HB 324 (Campbell) (HAPP) provides that the Southwestern Virginia Training Center shall not be closed and shall instead remain open and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. (18103090D)

HB 325 (Campbell) (HAPP) provides that the Southwestern Virginia Training Center and the Central Virginia Training Center shall not be closed and shall instead remain open and continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. (18103102D)

HB 806 (O'Quinn) (HAPP) provides that the Southwestern Virginia Training Center and the Southeastern Virginia Training Center shall not be closed and shall instead remain open and

continue to accept new admissions of individuals with intellectual disability for whom treatment in a training center is appropriate. (18102320D)

Immigration

HB 11 (Kory) (HRUL) declares, absent congressional intent to the contrary, that any individual currently granted Deferred Action for Childhood Arrivals by U.S. Citizenship and Immigration Services has the capacity to intend to remain in the Commonwealth indefinitely and is therefore eligible to establish domicile and receive in-state tuition charges at any public institution of higher education in the Commonwealth. (18100648D)

HB 19 (Lopez) (HRUL) declares eligible for in-state tuition any individual who (i) attended a public or private high school in the Commonwealth for at least three years; (ii) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (iii) registers as an entering student at or is enrolled in a public institution of higher education; (iv) provides an affidavit to the public institution of higher education at which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency; and (v) submits evidence to the institution at which he has registered as an entering student or is enrolled that he, or in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis, has filed, unless exempted by state law, Virginia income tax returns for at least three years prior to the date of registration as an entering student or enrollment. The bill provides that any such individual shall remain eligible for in-state tuition for as long as he maintains continuous enrollment in the public institution of higher education and his application for permanent residency has not been denied. The bill also prohibits any student who became eligible for in-state tuition as a result of his lawful presence in the United States pursuant to approval under the Deferred Action for Childhood Arrivals program or any other federal deferred action program from being deemed ineligible for in-state tuition by virtue of the elimination or modification of any such program. (18100982D)

HB 343 (Boysko) (HRUL) declares eligible for in-state tuition any individual who (i) graduated from a public or private high school in the Commonwealth or passed a high school equivalency examination approved by the Board of Education; (ii) registers as an entering student or is enrolled in a public institution of higher education; (iii) has submitted evidence that he or, in the case of a dependent student, at least one parent, guardian, or person standing in loco parentis has filed, unless exempted by state law, Virginia income tax returns for at least one year prior to the date of registration or enrollment; and (iv) provides an affidavit to the public institution of higher education in which he has registered as an entering student or is enrolled stating that he has filed an application to become a permanent resident of the United States and is actively pursuing such permanent residency or will do so as soon as he becomes eligible for such permanent residency. (18101986D)

Land Use

HB 494 (Hodges) (HCCT) authorizes any locality within the Chesapeake Bay watershed to adopt an ordinance providing for the planting and replacement of trees during the development process. Currently, only a locality with a population density of 75 persons per square mile may adopt such an ordinance. (18100432D)

SB 81 (Hanger) (Passed Senate) provides that a landowner whose property is used for an educational activity shall owe no duty of care to a member of the public arising out of the educational use of the land. Current law provides such an exemption for recreational activities and certain other uses of land. (18100094D-E2)

SB 451 (Dance) (SLG) authorizes any locality to enact an ordinance that requires corrective action to address criminal blight conditions on certain real property. The bill defines criminal blight to include conditions on real property that endanger residents of the community by the regular presence of persons using the property for controlled substance use or sale and other criminal activities, specifically commercial sex trafficking or prostitution. Current law allows local governments to enact an ordinance for taking action against a property owner with regard to illegal drug activity on such real property within the locality. The bill also provides a procedure for the locality and law-enforcement officials to secure inspection warrants for guest registries for real property operated as a hotel or motel or other transient lodging if the property is declared to be in a state of criminal blight. This is a recommendation of the Virginia Housing Commission. (18101378D)

Opioids

HB 322 (Bourne) (Reported from HHWI) adds employees of the Department of Corrections who are designated as probation and parole officers or correctional officers to the list of individuals who may possess and administer naloxone or other opioid antagonist, provided that they have completed a training program. (18103202D)

HB 1175 (Pillion) (HHWI) requires every hospital that operates an emergency department to develop and implement a protocol for (i) identifying every prescriber who has prescribed opioids to a patient to whom naloxone is administered for the purpose of reversing an opioid overdose in the emergency department or by emergency medical services personnel or a law-enforcement officer prior to admission to the emergency department and (ii) notifying each such prescriber that the patient has been treated with naloxone for the purpose of reversing an opioid overdose. Such notification shall be made in each case in which naloxone is administered for the purpose of reversing an opioid overdose by a health care provider in a hospital emergency department, emergency medical services personnel, or a law-enforcement officer to a patient to whom opioids have been prescribed by a prescriber. (18103279D)

HB 1429 (Carroll Foy) (HHWI) provides that whenever the primary reason for removing a child from his home by a local board of social services is categorized as substance abuse by his parent or guardian, including removal due to in utero drug exposure, the Department of Social Services

shall, to the extent possible, collect and record information regarding the specific drugs taken by the parent or guardian. The bill requires the Department to develop a process and system to collect, collate, and report such data by July 1, 2019, and to implement such process and system by July 1, 2020. (18104207D)

HJ 114 (Hugo) (HRUL) designates September, in 2018 and in each succeeding year, as Drug-free Pain Management Awareness Month in Virginia. (18103335D)

SB 120 (Favola) (SFIN) directs the Board of Directors of the Virginia Alcoholic Beverage Control Authority (Board) to establish and appoint members to the Virginia Institutions of Higher Education Substance Use Advisory Committee (Advisory Committee). The bill provides that the goal of the Advisory Committee shall be to develop and update a statewide strategic plan for substance use education, prevention, and intervention at Virginia's public and private institutions of higher education. The bill provides that the Advisory Committee shall consist of representatives from Virginia's public and private institutions of higher education, including students and directors of student health, and such other members as the Board may deem appropriate. (18101325D)

SB 459 (Edwards) (SGL) requires every Secretary to identify an agency within his secretariat to receive such data and information related to substance abuse as the Secretary may specify and requires every agency in a secretariat to report such data and information to the identified agency. (18104437D)

Procurement

HB 375 (Davis) (HGL) prohibits local governing bodies from establishing provisions related to procurement of goods, professional services, or construction that would require a wage floor or any other employee benefit or compensation above what is otherwise required by state or federal law to be provided by a contractor to one or more of the contractor's employees as part of a contract with the locality. The prohibition shall not affect contracts between a locality and another party that were executed prior to January 1, 2019, or the renewal or future rebids of services thereof. The bill provides that localities shall not be prohibited from entering into contracts for economic development incentives in which the company receiving the incentives is required to maintain a certain stated wage level for its employees. (18102176D)

Public Safety/Criminal Justice

HB 31 (Webert) (HCT) eliminates the crime of profanely swearing or cursing in public, which is currently punishable as a Class 4 misdemeanor. (18100946D)

HB 174 (Filler-Corn) (HCT) requires the Department of Criminal Justice Services to establish protocols for communication by law-enforcement personnel with individuals diagnosed with autism spectrum disorders, intellectual disabilities, and developmental disabilities. (18101919D)

SB 53 (Spruill) (SCT) expands the definition of a predicate criminal act associated with gang activity to include a felony violation of (i) obtaining money by false pretense and (ii) identity theft. (18100808D)

SB 66 (Favola) (SCT) provides that if a defendant is convicted of assault and battery against a family or household member and a minor who is a family or household member of the defendant was a witness to the offense, the court may consider such circumstance as an aggravating factor in determining sentencing. (18100303D)

SB 196 (Locke) (SCT) requires the Criminal Justice Services Board (the Board) to adopt, by July 1, 2019, statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers. The bill requires any sheriff, chief of police, or agency administrator to notify the Board in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has been found to have engaged in serious misconduct. The bill authorizes the Board to initiate decertification proceedings against any former law-enforcement or jail officer who has engaged in serious misconduct as defined in such statewide professional standards of conduct. The bill has a delayed effective date of October 1, 2019. (18101568D)

SB 308 (Stuart) (SCT) provides that it is unlawful for a person driving or operating any motor vehicle on a highway to be under the influence. Current law prohibits the driving or operating of a motor vehicle while under the influence, without limiting such driving or operating to a highway. (18102908D)

SB 666 (Deeds) (SFIN) adds members of the United States Armed Forces, Armed Forces Reserves, and National Guard to the list of public safety personnel for which it is a Class 1 misdemeanor to impersonate with the intent to make someone else believe he is such a public safety official. A second or subsequent offense is punishable as a Class 6 felony. (18100309D)

SB 761 (Newman) (SCT) requires a law-enforcement agency in the Commonwealth that hires a law-enforcement officer from another law-enforcement agency to reimburse the agency that funded the training for the costs of the officer's basic law-enforcement training. The amount of the liability shall be reduced by one-fifth for each year that the law-enforcement officer worked for the agency that paid for the training. (18104291D)

Renewable Energy

HB 312 (Edwards) (SGL) provides that construction performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as construction, notwithstanding any reference to "construction" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure also provides that professional services, such as engineering, performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as a professional service, notwithstanding any reference to "professional services" in a request for

proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure authorizes any contracting entity to purchase services under a solar services agreement, solar power purchase agreement, or solar self-generation agreement entered into by another contracting entity, even if it did not participate in the request for proposals, if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure specifies that project agreements for power purchase agreements that reference a master solar power purchase agreement, whether or not the master power purchase agreement is still in effect, shall be binding and effective stand-alone agreements for as long as the life of the project agreements, and may be used by a contracting entity to purchase services under a cooperative procurement agreement. The measure has a delayed effective date of January 1, 2019. (18104236D)

Transportation

HB 455 (Filler-Corn) (HTRAN) provides that funds for contract fees paid by the Virginia Railway Express for access to the rights-of-way of CSX Transportation, Norfolk Southern Corporation, and the National Railroad Passenger Corporation shall be allocated yearly by the Department of Rail and Public Transportation and shall cover 84 percent of the total costs. (18101396D)

HB 505 (Bell, Robert B.) (HTRAN) allows any person who is deaf, blind, or deaf-blind, any person with autism or an intellectual or developmental disability, or the agent of any such person to request that the Department of Transportation (Department) post and maintain signs informing drivers that a person with a disability may be present in or around the roadway and directs the Department to post and maintain such signs in accordance with regulations developed by the Department. (18102148D)

SB 185 (Favola) (STRAN) provides that the local governing body of any county, city, or town may change the name of any highway named before 1965 within such locality. Current law allows for only the Commonwealth Transportation Board or the General Assembly to name or rename any primary highway, regardless of when the highway was named. (18100834D)

SB 530 (Mason) (STRAN) directs the Department of Transportation to amend its regulations to exempt breweries, wineries, and distilleries from the requirement that a facility be in continuous operation for at least eight hours per day, five days per week, during the normal operating season for that type of business in order to qualify for an attraction sign under the Specific Travel Services (Logo) Signing program. (18102170D)

SB 532 (Mason) (STRAN) provides that violations of the prohibition on the display or sale, or permitting the display or sale, of more than five used motor vehicles within any 12-month period on real property for the purpose of selling or advertising the sale of used motor vehicles by the owner or lessee is punishable as a Class 4 misdemeanor. The bill contains technical amendments. (18103539D)

SB 575 (DeSteph) (Reported from STRAN) expands eligibility for a one-month extension of a vehicle registration period to include persons whose vehicle registration has been withheld for failure to pay tolls. (18102831D)

SB 611 (Surovell) (STRAN) increases the minimum motor vehicle liability insurance coverage amounts from \$25,000 to \$100,000 in cases of bodily injury to or death of one person, from \$50,000 to \$200,000 in cases of bodily injury to or death of more than one person in any one accident, and from \$20,000 to \$40,000 for property damage coverage. (18100417D)

SB 643 (McPike) (STRAN) prohibits the Department of Transportation from charging fees for or requiring users to exchange their electronic toll collection device as a result of inactivity for a period of time less than one year. (18101775D)

SB 793 (Lucas) (SRUL) adds two legislative members, one from each house, to the Hampton Roads Transportation Commission. The bill provides that non-legislative members shall have experience in at least one of the following fields: (i) transit planning, transportation planning, or land use planning; (ii) transit or transportation management or management of other public sector operations; (iii) public budgeting or finance; (iv) corporate communications; (v) government oversight; or (vi) local or state government. (18104340D)

Driver's Licenses and Driver Privilege Cards

HB 12 (Kory) (HTRAN) authorizes the Department of Motor Vehicles to issue temporary driver's licenses, permits, and special identification cards to aliens granted "withholding of removal" immigration status. The bill contains a technical amendment. (18100655D)

HB 93 (Wilt) (HTRAN) authorizes the Department of Motor Vehicles to issue temporary driver's licenses, permits, and special identification cards to aliens who present documentary evidence of a pending or approved application to be paroled into the United States. The bill contains a technical amendment. (18101270D)

SB 621 (Surovell) (STRAN) authorizes the issuance of new driver privilege cards by the Department of Motor Vehicles to an individual who has (i) reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months and (ii) is not in violation of the insurance requirements of Article 8 (§ 46.2-705 et seq.) (Registration of Uninsured Motor Vehicles) of Chapter 6 of Title 46.2. The bill provides that driver privilege cards shall confer the same privileges and shall be subject to the same provisions as driver's licenses and permits; however, driver privilege cards shall not (a) confer voting privileges, (b) permit an individual to waive any part of the driver examination, or (c) have their issuance be contingent upon the applicant's ability to produce proof of legal presence in the United States. The bill provides for the term "driver's license" to consistently refer to all driver's licenses, permits, driver privilege cards, and special identification cards issued by the Commonwealth or the comparable law of another jurisdiction. The bill allows the issuance of a limited-duration driver's license and special identification card to an applicant presenting valid documentary evidence that a federal court or federal agency having jurisdiction over immigration

has authorized the applicant to be in the United States for a period of at least 30 days from the date of application. The bill authorizes the Tax Commissioner to provide to the Commissioner of the Department of Motor Vehicles information sufficient to verify that an applicant for a driver privilege card or permit reported income from Virginia sources on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill has a delayed effective date of January 1, 2019. (18100395D)

Transportation Funding

HJ 41 (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, 2018, 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 Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years. (18100986D)

SJ 35 (Lewis) (SPE) 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, 2018, 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 Funds. The amendment limits the use of Funds moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by an affirmative vote of two-thirds of the members elected to each house and that the loan must be repaid with reasonable interest within four years. (18103907D)

SB 31 (Stanley) (SFIN) establishes the Interstate 73 Corridor Development Fund and Program and reallocates to the I-73 Fund the \$40 million from state recordation taxes that is currently allocated annually to the U.S. Route 58 Corridor Development Fund and Program. All provisions of the bill are contingent upon construction of and payments for Route 58 being completed. (18100248D)

SB 141 (Petersen) (STRAN) allows revenues of the Northern Virginia Transportation Authority distributed to localities to be used, as determined solely by the applicable locality, to fund new sidewalk projects that reduce congestion. (18101659D)

SB 583 (Hanger) (SFIN) creates the Western Virginia Transportation Fund (Fund), to be used by the Commonwealth Transportation Board to fund priority transportation projects in Planning

Districts 1, 2, 3, 4, 5, 6, and 7. The bill imposes an additional 2.1 percent tax on motor vehicle fuels in the counties and cities in such planning districts to generate revenue for the Fund. (18104752D)

Transportation Studies

HJ 66 (Roem) (HRUL) requests the Department of Transportation to study and develop best practices for constructing, operating, and maintaining a commuter rail system in the Commonwealth. (18104020D)

SB 504 (Carrico) (STRAN) authorizes the Commissioner of Highways to enroll in or withdraw from any federal pilot program or project for the collection and study of data for the review of truck weights and the impact of such vehicles on federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, or capacity challenges. (18103024D)

Attachments: Supplementary documents

cc: Joe Mondoro, Chief Financial Officer
Tisha Deeghan, Deputy County Executive
David J. Molchany, Deputy County Executive
Dave Rohrer, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
Elizabeth Teare, County Attorney
Catherine A. Chianese, Assistant County Executive and Clerk to the Board
Richmond Team
Tom Biesiadny, Director, Department of Transportation

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January 23, 2018

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**FAIRFAX COUNTY
LEGISLATIVE SUMMARY**

2018 GENERAL ASSEMBLY

January 20, 2018

Fairfax County Legislative Summary 2018 General Assembly

Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	Committee/Floor Actions	
<p>HB 589 - Watts (39) Blue Star Memorial Highway; designating as portion of Old Keene Mill Road in Fairfax County.</p>	<p>1/10/2006 House: Referred to Committee on Transportation</p>	<p>12/5/2005</p>
<p>Initiate (067916260) Summary: Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."</p>		

Bold = Date Position taken by full Board of Supervisors
 [] = Date position taken by BOS Legislative Committee
Italics = Date position recommended by staff

Bold = Board Position, [] = BOS Legislative Committee Position, *Italics=Staff Recommended Position Changes* (LD No. is version of bill on which position was taken)
Summary -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)

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<u>HB 1289</u> Guzman, E	Passing stopped school busses; local ordinances.
<u>SB 74</u> Surovell, S	Handheld personal communications devices; use while driving.
<u>SB 179</u> Stanley, Jr., W	Comprehensive plan; solar facilities.
<u>SB 183</u> Favola, B	Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.
<u>SB 184</u> Favola, B	Child abuse and neglect; founded reports regarding former school employees.
<u>SB 208</u> Stuart, R	Impact fees; residential development.
<u>SB 218</u> Lewis, Jr., L	Recycling; clarifies definitions of beneficial use and recycling center, etc.
<u>SB 429</u> Stanley, Jr., W	Local regulation of solar facilities.
<u>SB 497</u> Carrico, Sr., C	Disorderly conduct in public places; right to detain.
<u>SB 622</u> Surovell, S	Local transportation plan; secondary system road construction program allocation.
<u>SB 805</u> Carrico, Sr., C	Passing a stopped school bus; conviction shall not be made part of driving record.

Fairfax County Initiatives

*Bills Introduced
at Fairfax County's Request*

Bills	General Assembly Actions	Date of BOS Position
<p>HB 517 - Bell (58) Involuntary commitment of a juvenile; notification of parents.</p>	<p>1/8/2018 House: Referred to Committee for Courts of Justice</p>	<p>[1/19/2018]</p>
<p>[Initiate] (18102875D) - See also SB 392 (Barker). Summary: Provides that a petition for the involuntary commitment of a minor shall not be dismissed for failure to immediately serve both parents with a copy of the petition and notice of the hearing if one parent is present at the hearing and the judge determines that a reasonable effort was made to notify the other parent.</p>		
<p>SB 392 - Barker (39) Involuntary commitment of a juvenile; notification of parents.</p>	<p>1/9/2018 Senate: Referred to Committee for Courts of Justice</p>	<p>[1/19/2018]</p>
<p>[Initiate] (18103640D) - See also HB 517 (Bell, Robert B.). Summary: Provides that a petition for the involuntary commitment of a minor shall not be dismissed for failure to immediately serve both parents with a copy of the petition and notice of the hearing if one parent is present at the hearing and the judge determines that a reasonable effort was made to notify the other parent.</p>		

Fairfax County Positions
(Oppose or Amend)

* * *

Bills	General Assembly Actions	Date of BOS Position
HB 59 - Bell (87) Transportation, Department of; use of practical design methods.	12/4/2017 House: Referred to Committee on Transportation 1/18/2018 House: Subcommittee recommends reporting with amendments (5-Y 3-N)	[1/19/2018]
<p>[Oppose] (18101179D) - Oppose unless amended to ensure community input can be addressed. Summary: Department of Transportation; use of practical design methods. Requires the Department of Transportation to employ practical design methods for any highway system project, including all projects costing more than \$5 million. "Practical design methods" are defined in the bill as practices that incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility.</p>		
HB 71 - Miyares (82) Constitutional amendment; real property tax exemption for spouse of disabled veteran.	12/4/2017 House: Referred to Committee on Privileges and Elections	[1/19/2018]
<p>[Amend] (18100171D) - Amend to support as a state tax credit. Board has historically recommended amendment. Summary: Constitutional amendment (voter referendum); real property tax exemption for surviving spouses of certain disabled veterans. Provides for a referendum at the November 6, 2018, election to approve or reject an amendment to the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability to allow the surviving spouse to move to a different principal place of residence. Similar real property tax exemptions provided in the Constitution of Virginia to (i) the surviving spouses of members of the armed forces killed in action and (ii) the surviving spouses of certain emergency services providers killed in the line of duty allow the surviving spouse to move to a different principal place of residence and still claim the tax exemption.</p>		
HB 72 - Thomas, Jr. (28) Statewide prioritization process project selection; cost of project to be considered.	12/4/2017 House: Referred to Committee on Transportation	[1/19/2018]
<p>[Oppose] (18102019D) - See also SB 207 (Stuart). Summary: Statewide prioritization process project selection. Requires the total cost of a transportation project to be considered in evaluating projects under the statewide prioritization process. The bill requires the Commonwealth Transportation Board to evaluate congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays. The bill imposes restrictions on projects receiving funding from the High Priority Projects Program that are evaluated under the statewide prioritization process.</p>		
HB 103 - Cole (88) Interstate 95; VDOT to commence project to add additional lanes.	12/13/2017 House: Referred to Committee on Transportation	[1/19/2018]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (18101688D) - Oppose because it circumvents the Smart Scale process. Summary: Additional lanes of Interstate 95. Directs the Department of Transportation to immediately commence a transportation project to add an additional lane of travel to that portion of Interstate 95 between Exit 126 in Spotsylvania County and Interstate 495 in both the north-bound and south-bound directions.</p>		
<p>HB 565 - Gooditis (10) Synthetic turf; 3-year moratorium on installation of turf that contains recycled crumb rubber.</p>	<p>1/8/2018 House: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Amend] (18100899D) - Amend to remove moratorium on installation of synthetic turf while a comprehensive study is conducted. Board has historically recommended amendment. Summary: Three-year moratorium on installation of synthetic turf that contains recycled crumb rubber from waste tires at schools and recreational parks. Places a three-year moratorium on the installation of synthetic turf that contains recycled crumb rubber from waste tires within the boundaries of a public or private elementary or secondary school, public or private preschool, or recreational park by any (i) public or private elementary or secondary school, (ii) public or private preschool, or (iii) local governing body. The bill also requires the Virginia Department of Health, in coordination with the Virginia Department of Conservation and Recreation and the Virginia Department of Education, to analyze the potential adverse health effects of synthetic turf that contains recycled crumb rubber from waste tires and report its findings to the General Assembly no later than July 1, 2019.</p>		
<p>HB 668 - Kilgore (1) Transportation funding in certain areas of the Commonwealth; price floor.</p>	<p>1/9/2018 House: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Oppose] (18104460D) - Oppose unless amended to remove direct allocation to certain transportation districts. Summary: Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax. The also allocates \$40 million annually from the Priority Transportation Fund, after making any required debt service payments, to each of the Salem highway construction district and the Bristol highway construction district. Of the \$40 million allocated to the Bristol highway construction district, \$30 million each year shall be designated for the construction and completion of U.S. Route 121, the Coalfields Expressway.</p>		
<p>HB 786 - Keam (35) Taxes, local; appeal to court.</p>	<p>1/9/2018 House: Referred to Committee on Finance</p>	<p>[1/19/2018]</p>

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Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (18101855D) Summary: Local taxes; appeal to court. Provides that on an appeal to court for relief from local taxes, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence, and on an appeal of the assessment of real or personal property that concerns an increase of more than 20 percent over the assessment for the same property for the prior tax year, except in cases of buildings constructed in the previous five years, the assessor shall have the burden of proving by a preponderance of the evidence that the assessment is correct. The bill also provides that an assessment constitutes manifest error if any one of three mistakes under current law was made. The bill contains technical amendments.</p>		
<p>HB 787 - Keam (35) Real property taxes; appeals to boards of equalization.</p>	<p>1/9/2018 House: Referred to Committee on Finance</p>	<p>[1/19/2018]</p>
<p>[Oppose] (18101856D) Summary: Provides that (i) on appeal of a real property assessment to a board of equalization, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence, and (ii) when the appeal involves an assessment of real property with an increase of more than 20 percent over the assessment for the same property for the prior tax year, except in cases of buildings constructed in the previous five years, the assessor shall have the burden of proving that the assessment is correct by a preponderance of the evidence.</p>		
<p>HB 791 - Pogge (96) School personnel; staffing ratios, school nurses.</p>	<p>1/9/2018 House: Referred to Committee on Education</p>	<p>[1/19/2018]</p>
<p>[Oppose] (18101961D) - Potential fiscal impact to Fairfax County is \$35.9 million. See also SB 366 (Stuart). Summary: School personnel; staffing ratios; school nurses. Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.</p>		
<p>HB 887 - Orrock, Sr. (54) Onsite sewage systems; adjustment or replacement of sewer lines, etc., is considered maintenance.</p>	<p>1/9/2018 House: Referred to Committee on Health, Welfare and Institutions</p>	<p>[1/19/2018]</p>
<p>[Amend] (18101591D) - Amend to allow County to continue local health inspections of onsite system repairs. Summary: Onsite sewage systems; maintenance. Provides that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system and thus does not require a permit. Under current law, adjustment and replacement of such equipment requires the system owner to obtain a permit.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 997 - Gilbert (15) Pretrial Services Act; repeals Act.	1/9/2018 House: Referred to Committee for Courts of Justice	[1/19/2018]
<p>[Oppose] (18103124D) Summary: Pretrial Services Act; repeal. Repeals the Pretrial Services Act (§ 19.2-152.2 et seq.). The Act authorized the establishment of local pretrial services agencies that were intended to assist judicial officers in making bail determinations. The bill has a delayed effective date of July 1, 2019.</p>		
HB 1004 - Byron (22) Stormwater; localities shall provide for full waiver.	1/9/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/19/2018]
<p>[Oppose] (18100851D) - See also SB 367 (Newman). Summary: Regulation of stormwater; airports. Provides that localities shall provide for full waivers of certain stormwater charges for public use airport runways and taxiways.</p>		
HB 1256 - Hugo (40) HOT lanes on Interstate 66; operating hours.	1/10/2018 House: Referred to Committee on Transportation	[1/19/2018]
<p>[Oppose] (18103655D) - See also HB 1417 (Bulova). Summary: Sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. on the eastbound lanes and from 4:00 p.m. to 6:30 p.m. on the westbound lanes.</p>		
HB 1257 - Cline (24) Sanctuary policies; enforcement of federal immigration laws.	1/10/2018 House: Referred to Committee for Courts of Justice	[1/19/2018]
<p>[Oppose] (18102897D) - Board has historically opposed. Scope of bill is significant and not well-defined. Requires local enforcement of federal laws that are currently permissive, and constitutes an unfunded mandate. Summary: Sanctuary policies prohibited. Provides that no locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. The General Assembly shall reduce state funding to the extent permitted by state and federal law to any locality found to have violated the provisions of the bill.</p>		
HB 1258 - Kilgore (1) Wireless communications infrastructure; zoning.	1/10/2018 House: Referred to Committee on Commerce and Labor	[1/19/2018]
<p>[Oppose] (18102258D) - See also SB 405 (McDougle). Summary: Zoning for wireless communications infrastructure. Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications, a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and limits on the number of new wireless support structures that can be installed in a specific location. The measure also prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities.</p>		
<p>HB 1263 - Kilgore (1) Commonwealth Transportation Board prioritization process; factors considered in Bristol and Salem.</p>	<p>1/10/2018 House: Referred to Committee on Transportation</p>	<p>[1/19/2018]</p>
<p>[Oppose] (18104177D) - Limiting scoring to certain factors will fundamentally change Smart Scale. Summary: Commonwealth Transportation Board prioritization process; factors considered in Bristol and Salem Highway Construction Districts. Provides that for the purposes of prioritizing projects in the Bristol Highway Construction District or the Salem Highway Construction District, the Commonwealth Transportation Board (Board) shall consider (i) the relative importance of secondary highways in such districts and (ii) only the following other factors: economic development, accessibility, and safety. Current law requires the Board to consider congestion mitigation, economic development, accessibility, safety, and environmental quality when prioritizing projects in all districts.</p>		
<p>HB 1284 - Hugo (40) Vehicles bearing clean special fuel license plates; HOT lanes.</p>	<p>1/10/2018 House: Referred to Committee on Transportation</p>	<p>[1/19/2018]</p>
<p>[Oppose] (18103649D) Summary: Allows vehicles bearing clean special fuel license plates issued before July 1, 2011, to use the HOT lanes on Interstate 66 inside the beltway if the vehicle is equipped with an E-ZPass Flex transponder. The bill contains an emergency clause.</p>		
<p>HB 1291 - Hugo (40) Interstate 66; tolling facilities.</p>	<p>1/10/2018 House: Referred to Committee on Transportation</p>	<p>[1/19/2018]</p>
<p>[Oppose] (18104505D) Summary: Directs the Secretary of Transportation to renegotiate the agreement governing transportation facilities on Interstate 66 outside the Capital Beltway in an effort to coordinate tolling inside and outside the Capital Beltway once the tolling facilities outside the Capital Beltway are established.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 1292 - Hugo (40) State and local transportation planning.	1/10/2018 House: Referred to Committee on Transportation	[1/19/2018]
<p>[Oppose] (18103787D) - Board has historically opposed.</p> <p>Summary: Provides that prior to the adoption of or amendment to any comprehensive plan in Planning District 8 (Northern Virginia) or review of a proposed rezoning in Planning District 8, the Department of Transportation shall consider the transportation impact of the proposed plan or rezoning and name any transportation facility for which a reduction in the level of service is anticipated as a result of the proposed plan or rezoning. Current law provides for such review for any transportation facility having a functional classification of minor arterial or higher for which an increase in traffic volume is expected to exceed the capacity of the facility as a result of the change. The bill requires that if the proposed comprehensive plan or rezoning is within Planning District 8, the locality shall propose one or more transportation projects in its local transportation plan, or within the regional transportation plan, to ensure no reduction of service to any transportation facility affected by the plan or rezoning.</p>		
HB 1417 - Bulova (37) HOT lanes on Interstate 66; operating hours.	1/15/2018 House: Referred to Committee on Transportation	[1/19/2018]
<p>[Oppose] (18104045D) - See also HB 1256 (Hugo).</p> <p>Summary: Sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. on the eastbound lanes and from 4:00 p.m. to 6:30 p.m. on the westbound lanes.</p>		
HB 1427 - Kilgore (1) Wireless support structures; public rights-of-way use fees established.	1/16/2018 House: Referred to Committee on Commerce and Labor	[1/19/2018]
<p>[Oppose] (18104250D) - See also SB 823 (McDougle).</p> <p>Summary: Wireless support structures; public rights-of-way use fees. Establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) or a locality for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that an existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider may be enforced by VDOT or the locality only until the current term of the agreement, contract, license, easement, or permit expires.</p>		
HJ 6 - Miyares (82) Constitutional amendment; real	12/4/2017 House: Referred to Committee on Privileges and Elections	[1/19/2018]

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Bills	General Assembly Actions	Date of BOS Position
property tax exemption for spouse of disabled veteran.		
<p>[Amend] (18100166D) - Amend to support as a state tax credit. Board has historically recommended amendment.</p> <p>Summary: Constitutional amendment (second resolution); real property tax; exemption for surviving spouse of a disabled veteran. Provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the surviving spouse's moving to a different principal place of residence.</p>		
<p>HJ 91 - Webert (18) Composite index of local ability to pay; DOE to study effect of local use value assessment.</p>	1/9/2018 House: Referred to Committee on Rules	[1/19/2018]
<p>[Oppose] (18101824D) - Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living.</p> <p>Summary: Study; Department of Education; effect of local use value assessment of certain real estate on the composite index of local ability to pay; report. Requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable real estate devoted to (a) agricultural use, (b) horticultural use, (c) forest use, and (d) open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the composite index of local ability to pay for each such locality after taking into consideration such use values.</p>		
<p>HJ 98 - Byron (22) Study; Department of Taxation; appeals concerning valuation of business property; report.</p>	1/9/2018 House: Referred to Committee on Rules	[1/19/2018]
<p>[Oppose] (18104018D)</p> <p>Summary: Requests the Department of Taxation to study and make recommendations on the appeals process for valuation of real and personal property of businesses.</p>		
<p>SB 207 - Stuart (28) Statewide prioritization process project selection; cost of project to be considered.</p>	1/2/2018 Senate: Referred to Committee on Transportation	[1/19/2018]
<p>[Oppose] (18100222D) - See also HB 72 (Thomas).</p> <p>Summary: Statewide prioritization process project selection. Requires the total cost of a transportation project to be considered in evaluating projects under the statewide prioritization process. The bill requires the</p>		

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Bills	General Assembly Actions	Date of BOS Position
Commonwealth Transportation Board to evaluate congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays. The bill imposes restrictions on projects receiving funding from the High Priority Projects Program that are evaluated under the statewide prioritization process.		
SB 224 - Petersen (34) Release of seized property; petition to stay release.	1/3/2018 Senate: Referred to Committee for Courts of Justice	[1/19/2018]
[Oppose] (18101669D) - Legislation relates to pending litigation. Summary: Provides that any property seized shall be released to the owner or lienholder within one year from the date of seizure unless an information has been filed against the property or the attorney for the Commonwealth files a petition to stay the release of such property. The bill provides that such petition shall allege that the property seized is an integral part of an investigation and that such property cannot be returned without jeopardizing such investigation. The bill provides that the owner or lienholder may file a response to the petition within 30 days of the filing of such petition and that, if a response is filed, the Commonwealth must prove by a preponderance of the evidence that the property is an integral part of an investigation.		
SB 278 - Petersen (34) Eminent domain proceedings; prompt payment of funds.	1/5/2018 Senate: Referred to Committee for Courts of Justice	[1/19/2018]
[Amend] (18104221D) - Amend to allow for releases from secured lienholders prior to payment. Summary: Requires, upon final settlement or determination in an eminent domain proceeding, that any funds due to the land owner, whether such funds are in the possession of the court or are outstanding, shall be payable promptly to the land owner or to the land owner's attorney, if such land owner is represented by counsel.		
SB 336 - Peake (22) Virginia Freedom of Information Act; right to speak at open meetings.	1/8/2018 Senate: Referred to Committee on General Laws and Technology	[1/19/2018]
[Oppose] (18103103D) - Board has historically opposed. Summary: Requires that every public body afford an opportunity for public comment during any open meeting. The bill requires that the notice given by a public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. The bill permits public bodies to choose the approximate point during the meeting when public comment will be received and permits public bodies to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner.		
SB 366 - Stuart (28) School personnel; staffing ratios, school nurses.	1/9/2018 Senate: Referred to Committee on Education and Health	[1/19/2018]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (18100682D) - Potential fiscal impact to Fairfax County is \$35.9 million. See also HB 791 (Pogge). Summary: School personnel; staffing ratios; school nurses. Excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12.</p>		
<p>SB 367 - Newman (23) Stormwater; localities to provide for partial waiver of service charges for management at airports.</p>	<p>1/9/2018 Senate: Referred to Committee on Local Government</p>	<p>[1/19/2018]</p>
<p>[Oppose] (18100804D) - See also HB 1004 (Byron). Summary: Regulation of stormwater; airports. Allows localities to provide for a partial waiver of service charges for stormwater management to airports for that portion of the property that is used for runways and taxiways.</p>		
<p>SB 405 - McDougle (4) Wireless communications infrastructure; zoning.</p>	<p>1/10/2018 Senate: Referred to Committee on Commerce and Labor</p>	<p>[1/19/2018]</p>
<p>[Oppose] (18101342D) - See also HB 1258 (Kilgore). Summary: Zoning for wireless communications infrastructure. Establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications, a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and limits on the number of new wireless support structures that can be installed in a specific location. The measure also prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities.</p>		
<p>SB 469 - Reeves (17) Conditional zoning.</p>	<p>1/9/2018 Senate: Referred to Committee on Local Government</p>	<p>[1/19/2018]</p>
<p>[Oppose] (18100807D) Summary: Removes restrictions on the types of proffers a locality may request or accept in connection with a rezoning or proffer condition amendment as a condition of approval of a new residential development or residential use. The bill removes a restriction on denying an application on the basis of a failure or refusal to submit an unreasonable proffer or proffer condition amendment. The bill also removes a requirement that a</p>		

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Bills	General Assembly Actions	Date of BOS Position
proffer be made only when the new development will create a need in excess of the existing public facility capacity.		
<u>SB 495</u> - Carrico, Sr. (40) Deputy Sheriff Supplemental Salary Fund; creation and revenue source.	1/9/2018 Senate: Referred to Committee on Finance	[1/19/2018]
[Oppose] (18100666D) Summary: Creates the Deputy Sheriff Supplemental Salary Fund to provide funds for qualified localities to supplement the salaries of deputy sheriffs. Twenty percent of local fines generated by a local sheriff's office would be transferred by the circuit court clerk to the Fund to pay for such supplements.		
<u>SB 499</u> - Carrico, Sr. (40) Agriculture easements; validity; termination.	1/9/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/18/2018 Senate: Continued to 2019 in Agriculture, Conservation and Natural Resources (12-Y 2-N)	[1/19/2018]
[Oppose] (18101699D) Summary: Prohibits a restriction imposed by a conservation easement from being enforced against any occupied single-family dwelling structure, including any outbuilding, shed, barn, garage, or driveway, or the land lying immediately underneath any such structure, for the purposes of additions, repairs, or sale. The bill authorizes the owner of an interest in real property burdened by the easement to terminate such easement in the event of financial hardship. Such owner shall be liable to the Department of Taxation for the full amount of any land preservation tax credits claimed or transferred by the owner that are related to the easement and shall pay any legal fees associated with the termination of the easement. Until such payments are made, such conservation easement shall be considered perpetual in duration unless otherwise provided in the instrument creating it.		
<u>SB 523</u> - Obenshain (26) Voter identification; electronic pollbooks to contain photographs of voters.	1/9/2018 Senate: Referred to Committee on Privileges and Elections 1/16/2018 Senate: Reported from Privileges and Elections (8-Y 6-N) 1/16/2018 Senate: Rereferred to Finance	[1/19/2018]
[Oppose] (18103159D) - Board has historically opposed. Summary: Requires electronic pollbooks to contain the photographs of registered voters that are obtained by the general registrars in the production of voter photo identification cards or contained in a voter's Department of Motor Vehicles record. The bill also provides that if the electronic pollbook contains the voter's photograph, the officer of election is required to access that photograph and the voter is not required to present one of the statutorily required forms of identification. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph. The bill has a delayed effective date of July 1, 2019.		

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Bills	General Assembly Actions	Date of BOS Position
SB 537 - Hanger, Jr. (24) Education; computation of composite index; land-use assessment value.	1/9/2018 Senate: Referred to Committee on Education and Health	[1/19/2018]
<p>[Oppose] (18100437D) - Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living.</p> <p>Summary: Requires the General Assembly to modify the current standards of quality funding formula and calculation of composite index of local ability to pay to incorporate within the real estate indicator of local wealth the land-use assessment value for those properties located within a land-use plan.</p>		
SB 588 - Ebbin (30) Alcoholic beverage control; annual mixed beverage special events licenses.	1/9/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/18/2018 Senate: Rereferred to Rehabilitation and Social Services 1/18/2018 Senate: Rereferred to Rehabilitation and Social Services	[1/19/2018]
<p>[Amend] (18103717D) - Amend to allow licenses for Park Authority facilities.</p> <p>Summary: Allows annual mixed beverage special events licenses to be issued to localities for use at museums or other facilities owned by the locality and used primarily for historic interpretation.</p>		
SB 613 - Surovell (36) Deposition of local governing body.	1/10/2018 Senate: Referred to Committee for Courts of Justice	[1/19/2018]
<p>[Oppose] (18101221D)</p> <p>Summary: Provides that when a local governing body is named as a deponent, it shall designate one or more members of such body to serve as a deponent on its behalf. The bill provides that such designee and his testimony shall be subject to all of the same duties, responsibilities, and consequences as a corporate or organizational deponent as determined by the rules of court.</p>		
SB 616 - Surovell (36) Waiver of immunity; insurance coverage.	1/10/2018 Senate: Referred to Committee for Courts of Justice	[1/19/2018]
<p>[Oppose] (18103488D)</p> <p>Summary: Provides that no person who is sued in a civil cause of action and who is immune from liability under Virginia law may claim such immunity if his actions that gave rise to the civil cause of action would otherwise be covered by an insurance policy.</p>		
SB 766 - Surovell (36) Citizen water quality monitoring; use as evidence in enforcement actions.	1/10/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources	[1/19/2018]

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Bills	General Assembly Actions	Date of BOS Position
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[Amend] (18104064D) - Amend to ensure that data considered in regulatory actions conforms to the standards of quality and methods set forth in the Code and other applicable law.
Summary: Authorizes the Department of Environmental Quality (the Department) to use certain results of citizen water quality testing as evidence in enforcement actions. Such evidence is currently prohibited. The bill also directs the Department to consider in some cases data collected by a citizen group, regardless of whether the data conforms to the requirements set out in the Code of Virginia.

<p>SB 823 - McDougle (4) Wireless support structures; public rights-of-way use fees established.</p>	<p>1/15/2018 Senate: Referred to Committee on Commerce and Labor</p>	<p>[1/19/2018]</p>
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[Oppose] (18104616D) - See also HB 1427 (Kilgore).
Summary: Wireless support structures; public rights-of-way use fees. Establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) or a locality for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that an existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider may be enforced by VDOT or the locality only until the current term of the agreement, contract, license, easement, or permit expires.

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Fairfax County Positions

(Support)

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Bills	General Assembly Actions	Date of BOS Position
HB 57 - Herring (46) Absentee voting; no excuse.	12/1/2017 House: Referred to Committee on Privileges and Elections	[1/19/2018]
<p>[Support] (18100938D) - See also HB 1072 (Heretick) and SB 114 (Locke). Summary: Allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section.</p>		
HB 89 - Bell (87) Conditional rezoning proffers; affordable dwelling units.	12/11/2017 House: Referred to Committee on Counties, Cities and Towns	[1/19/2018]
<p>[Support] (18101180D) - Support elements that mitigate impacts of 2016 proffer legislation. Summary: Conditional zoning proffers; affordable dwelling units. Exempts onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable.</p>		
HB 92 - Sullivan, Jr. (48) Absentee voting; eligibility of certain caregivers.	12/11/2017 House: Referred to Committee on Privileges and Elections	[1/19/2018]
<p>[Support] (18101186D) Summary: Entitles a person to vote absentee if he is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled individual who is confined at home. Currently, such caregivers are entitled to vote absentee only if the ill or disabled individual who is confined at home is a family member of the caregiver.</p>		
HB 106 - Delaney (67) Kinship Guardianship Assistance program; established.	12/13/2017 House: Referred to Committee on Health, Welfare and Institutions	[1/19/2018]
<p>[Support] (18102122D) - See also HB 1333 (Brewer) and SB 636 (Dunnivant). Summary: Kinship Guardianship Assistance program. Creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program.</p>		
HB 116 - Webert (18) Distracted driving; authority of local government.	12/15/2017 House: Referred to Committee for Courts of Justice	[1/19/2018]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (18101083D) Summary: Local authority; distracted driving. Authorizes any local governing body to adopt an ordinance prohibiting any person from driving a vehicle on any highway within the locality while failing to provide proper time and attention necessary for the safe operation of the vehicle where the manner of driving does not constitute reckless or improper driving. The bill provides that a violation of any such ordinance is punishable as a traffic infraction with a fine of not more than \$300.</p>		
<p>HB 134 - Bell (87) Value engineering; raises minimum project cost.</p>	<p>12/19/2017 House: Referred to Committee on Transportation 1/18/2018 House: Subcommittee recommends reporting with amendments (8-Y 0-N)</p>	<p>[1/19/2018]</p>
<p>[Support] (18102443D) Summary: Value engineering. Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements.</p>		
<p>HB 161 - Cole (88) Service districts; general government facilities may be constructed pursuant to power of districts.</p>	<p>12/21/2017 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/19/2018]</p>
<p>[Support] (18101893D) Summary: Powers of service districts. Adds general government facilities to those types of facilities that may be constructed pursuant to the power granted to service districts.</p>		
<p>HB 163 - Ware, Jr. (65) Conditional proffers; public facility capacity, previously approved residential developments.</p>	<p>12/21/2017 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/19/2018]</p>
<p>[Support] (18101462D) - Support elements that mitigate impacts of 2016 proffer legislation. See also SB 458 (Peake). Summary: Conditional proffers; public facility capacity; previously approved residential developments. Authorizes a locality to base its assessment of a public facility's capacity on the projected impacts specifically attributable to previously approved residential developments, or portions thereof, that have not yet been completed when determining whether a proffer is unreasonable.</p>		
<p>HB 169 - Murphy (34) Lyme disease; information disclosure requirement, sunset.</p>	<p>12/22/2017 House: Referred to Committee on Health, Welfare and Institutions 1/18/2018 House: Stricken from docket by Health, Welfare and Institutions (21-Y 0-N)</p>	<p>[1/19/2018]</p>
<p>[Support] (18103474D) - Board has historically supported. Summary: Lyme disease information disclosure requirement; sunset. Extends to July 1, 2023, the sunset of</p>		

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Bills	General Assembly Actions	Date of BOS Position
the provision requiring disclosure of certain information to a patient when a Lyme disease test is ordered. Under current law, the disclosure requirement will expire on July 1, 2018.		
HB 186 - Hayes, Jr. (77) Absentee voting; persons age 65 or older.	12/26/2017 House: Referred to Committee on Privileges and Elections	[1/19/2018]
[Support] (18101097D) - Board has historically supported. See also HB 1134 (Aird), SB 4 (Ebbin), SB 164 (Wexton), SB 277 (Barker), and SB 453 (Mason). Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.		
HB 219 - Morefield (3) Passing a stopped school bus; penalty.	12/29/2017 House: Referred to Committee for Courts of Justice	[1/19/2018]
[Support] (18103054D) Summary: Requires that any person who fails to stop his vehicle and remain stopped when approaching, from any direction, a school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging passengers, and as the sole and proximate result of his reckless driving causes the serious injury or death of another, is guilty of a Class 5 felony.		
HB 265 - Turpin (85) Election day; extending polling hours.	1/3/2018 House: Referred to Committee on Privileges and Elections	[1/19/2018]
[Support] (18103752D) - Support with adequate state funding for implementation. See also HB 568 (Gooditis). Summary: Extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill contains technical amendments.		
HB 270 - Boysko (86) Sale of dog or cat not obtained from releasing agency or animal rescue; prohibition.	1/3/2018 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/19/2018]
[Support] (18102649D) Summary: Authorizes localities to adopt ordinances prohibiting the sale in a pet shop of any dog or cat that was not obtained from a Virginia releasing agency or a nonprofit animal rescue organization. The bill provides that a violation of the ordinance shall be a Class 1 misdemeanor.		
HB 295 - Murphy (34) Resident stickers; turns in certain residential areas.	1/3/2018 House: Referred to Committee on Counties, Cities and Towns	[1/19/2018]
[Support] (18103592D) - See also SB 839 (Favola). Summary: Turns in certain residential areas; resident stickers. Allows counties by ordinance to develop a		

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Bills	General Assembly Actions	Date of BOS Position
program to issue permits to residents of a designated area that will allow such residents to make turns into or out of the neighborhood during certain times of the day where such turns would otherwise be restricted.		
HB 307 - Watts (39) Solicitation; prohibited on premises with a no soliciting sign, penalty.	1/3/2018 House: Referred to Committee for Courts of Justice	[1/19/2018]
[Support] (18104253D) Summary: Prohibited solicitation; penalty. Provides that no seller or person acting for him shall remain upon the land, buildings, or premises of another in order to make or attempt to make a home solicitation sale to any person that he knows or reasonably should know resides in a dwelling unit located upon such land, buildings, or premises that has been posted with a no soliciting sign. A violation of this provision is punishable as a Class 1 misdemeanor.		
HB 308 - Watts (39) Bicycles; passing in a lane prohibited.	1/3/2018 House: Referred to Committee on Transportation	[1/19/2018]
[Support] (18104182D) Summary: Passing in a bicycle lane prohibited. Prohibits the driver of a motor vehicle from using a bicycle lane to pass or attempt to pass another vehicle.		
HB 401 - Levine (45) Discrimination; sexual orientation and gender identity.	1/5/2018 House: Referred to Committee on General Laws	[1/19/2018]
[Support] (18101020D) - Board has historically supported. Summary: Prohibited discrimination; sexual orientation and gender identity. Prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill codifies existing prohibited discrimination in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory housing practices. The bill contains technical amendments.		
HB 464 - Carter (50) Pedestrians; drivers yielding the right-of-way.	1/7/2018 House: Referred to Committee on Transportation	[1/19/2018]
[Support] (18101658D) - Board has historically supported. Summary: Yielding the right-of-way to pedestrians; stopping. Clarifies the duties of vehicle drivers to stop to allow pedestrians to cross highways at (i) clearly marked crosswalks, whether at mid-block or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill contains technical amendments.		

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HB 568 - Gooditis (10) Election day; extending polling hours.	1/8/2018 House: Referred to Committee on Privileges and Elections	[1/19/2018]
[Support] (18101395D) - Support with adequate state funding for implementation. See also HB 265 (Turpin). Summary: Extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill contains technical amendments.		
HB 606 - Gooditis (10) Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.	1/8/2018 House: Referred to Committee on Rules	[1/19/2018]
[Support] (18104099D) - See also HB 656 (LaRock), SB 166 (Black), and SB 189 (Favola). Summary: Virginia Department of Historic Resources; telecommunications; Section 106 review process work group. Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.		
HB 640 - Boysko (86) Comprehensive plan, locality's; broadband infrastructure.	1/9/2018 House: Referred to Committee on Counties, Cities and Towns	[1/19/2018]
[Support] (18103572D) Summary: Comprehensive plan; broadband infrastructure. Provides that a locality's comprehensive plan shall include strategies to provide broadband infrastructure that is sufficient to meet the current and future needs of residents and businesses in the locality. In the preparation of a comprehensive plan, broadband infrastructure shall be included among the matters that the local planning commission shall survey and study.		
HB 642 - Hope (47) Legal notices; online publications.	1/9/2018 House: Referred to Committee for Courts of Justice	[1/19/2018]
[Support] (18100184D) - Board has historically supported the concept. Summary: Provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may instead be published in an online publication. The bill further specifies the requirements for such online publication.		
HB 656 - LaRock (33) Telecommunications; Dept. of Historic	1/9/2018 House: Referred to Committee on Rules	[1/19/2018]

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Bills	General Assembly Actions	Date of BOS Position
Resources to convene work group to examine Sect. 106 review.		
<p>[Support] (18103597D) - See also HB 606 (Gooditis), SB 166 (Black), and SB 189 (Favola). Summary: Virginia Department of Historic Resources; telecommunications; Section 106 review process work group. Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.</p>		
<p>HB 662 - Murphy (34) American Legion Bridge; VDOT to submit a plan for remediation of bridge.</p>	1/9/2018 House: Referred to Committee on Rules	[1/19/2018]
<p>[Support] (18103558D) - Support concept; amend to address implementation issues. Summary: Department of Transportation to submit a plan for the remediation of the American Legion Bridge. Directs the Department of Transportation to complete the initial design and related assessments for remediating the American Legion Bridge and to submit the design and assessments in a report to the General Assembly in advance of the 2019 Regular Session.</p>		
<p>HB 699 - Levine (45) Motor vehicle fuels; sales tax in certain transportation districts.</p>	1/9/2018 House: Referred to Committee on Rules	[1/19/2018]
<p>[Support] (18104463D) Summary: Motor vehicle fuels sales tax in certain transportation districts. Provides that the tax that is imposed on the sales price of motor fuel in Northern Virginia shall be imposed on the regional price of gas, defined and computed as a six-month average price of fuel. The tax shall not be imposed on a regional price that is less than a gallon of gasoline on February 20, 2013, nor shall it be imposed a price that is more than \$4 per gallon. The bill also raises the rate of taxation of motor fuel in Northern Virginia from 2.1% to 3%.</p>		
<p>HB 733 - Carr (69) Absentee voting; no-excuse in-person available 21 days prior to election.</p>	1/9/2018 House: Referred to Committee on Privileges and Elections	[1/19/2018]
<p>[Support with Amendment] (18101802D) - Support with amendments to facilitate implementation. See also SB 136 (Howell) and SB 602 (Ebbin). Summary: Allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election.</p>		

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<p>The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.</p>		
<p>HB 743 - Leftwich (78) Judges; maximum number in each judicial district and circuit.</p>	<p>1/9/2018 House: Referred to Committee for Courts of Justice</p>	<p>[1/19/2018]</p>
<p>[Support] (18101400D) - See also SB 525 (Obenshain). Summary: Maximum number of judges in each judicial district and circuit. Increases or decreases the maximum number of judges in select judicial districts and circuits to reflect the number of authorized judgeships recommended by the Supreme Court of Virginia in the 2017 "Virginia Judicial Workload Assessment Report."</p>		
<p>HB 768 - Jones (76) Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.</p>	<p>1/9/2018 House: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Support] (18102993D) Summary: Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax.</p>		
<p>HB 835 - Bagby (74) Absentee voting; no excuse required when voting in person.</p>	<p>1/9/2018 House: Referred to Committee on Privileges and Elections</p>	<p>[1/19/2018]</p>
<p>[Support] (18102486D) - Board has historically supported. See also SB 254 (Dance). Summary: Provides that any registered voter may vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason for being unable to vote in person on election day. The bill retains the statutory list of reasons allowing a voter to cast an absentee ballot by mail.</p>		
<p>HB 850 - Peace (97) Adult protective services; emergency order, temporary conservator.</p>	<p>1/9/2018 House: Referred to Committee for Courts of Justice</p>	<p>[1/19/2018]</p>
<p>[Support] (18101127D) - See also SB 543 (Mason). Summary: Emergency order for adult protective services; temporary conservator. Requires courts issuing</p>		

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<p>an emergency order for adult protective services to (i) appoint, when applicable, a temporary conservator with responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order and (ii) set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator. The bill allows the temporary conservator to petition the court to have the emergency order set aside or modified upon a substantial change in circumstances and requires the temporary conservator to submit to the court a report describing any services provided to the adult.</p>		
<p>HB 917 - Stolle (83) Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.</p>	<p>1/9/2018 House: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Support] (18102733D) Summary: Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor. Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.</p>		
<p>HB 922 - Bulova (37) Electric vehicle charging stations; local and public operation.</p>	<p>1/9/2018 House: Referred to Committee on General Laws</p>	<p>[1/19/2018]</p>
<p>[Support] (18104708D) Summary: Authorizes any locality or public institution of higher education, or the Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. The bill requires that the use of a retail fee-based electric vehicle charging station on property owned or leased by a locality be restricted to employees of the locality and authorized visitors and that such station be accompanied by appropriate signage that provides reasonable notice of such restriction. The bill exempts such a locality, public institution of higher education, or the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity.</p>		
<p>HB 945 - Lopez (49) TANF; eligibility, drug-related felonies.</p>	<p>1/9/2018 House: Referred to Committee on Health, Welfare and Institutions</p>	<p>[1/19/2018]</p>
<p>[Support] (18101638D) - Board has historically supported. Summary: Eligibility for TANF; drug-related felonies. 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.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 970 - Guzman (31) Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.</p>	<p>1/9/2018 House: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Support] (18102548D) Summary: Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor. Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.</p>		
<p>HB 971 - Guzman (31) Fair Housing Law; unlawful discrimination, gender identity.</p>	<p>1/9/2018 House: Referred to Committee on General Laws</p>	<p>[1/19/2018]</p>
<p>[Support] (18103628D) - Board has historically supported. Summary: Fair Housing Law; unlawful discrimination; gender identity. Adds discrimination based on gender identity as an unlawful housing practice under the Virginia Fair Housing Law. The bill also defines "gender identity."</p>		
<p>HB 996 - Gilbert (15) Pretrial services agencies; Department of Criminal Justice Services to review, report.</p>	<p>1/9/2018 House: Referred to Committee for Courts of Justice</p>	<p>[1/19/2018]</p>
<p>[Support] (18103933D) Summary: Department of Criminal Justice Services to review pretrial services agencies; report. Requires the Department of Criminal Justice Services (Department) to annually review each pretrial services agency to determine compliance with its biennial plan and operating standards. Current law requires the Department to review each pretrial services agency periodically. The bill also requires the Department to report annually to the Governor and the General Assembly on the performance of each pretrial services agency. This bill is a recommendation of the Virginia State Crime Commission.</p>		
<p>HB 1051 - Watts (39) Communications sales and use tax; services subject to taxation.</p>	<p>1/9/2018 House: Referred to Committee on Finance</p>	<p>[1/19/2018]</p>
<p>[Support] (18102521D) - Support for modernizing the communications sales and use tax is in the County's legislative program. Summary: Applies the communications sales and use tax to services related to the streaming of audio and visual data, and prepaid calling. The bill also clarifies that the tax applies to communications services regardless of whether customers are charged a subscription fee, a periodic fee, or an actual usage fee.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>HB 1058 - Tran (42) Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots.</p>	<p>1/10/2018 House: Referred to Committee on Appropriations</p>	<p>[1/19/2018]</p>
<p>[Support] (18104655D) - Board has historically supported concept. Implementation issues need to be resolved. Summary: Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots by electronic means; pilot program. Requires the State Board of Elections to establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Under the pilot program, those uniformed-service voters shall be permitted to sign the military-overseas ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. The State Board is directed to request proposals for the development and maintenance of the system used for the pilot program and to provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The bill has an expiration date of July 1, 2020.</p>		
<p>HB 1072 - Heretick (79) Absentee voting; no excuse.</p>	<p>1/10/2018 House: Referred to Committee on Privileges and Elections</p>	<p>[1/19/2018]</p>
<p>[Support] (18103012D) - See also HB 57 (Herring) and SB 114 (Locke). Summary: Allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section.</p>		
<p>HB 1083 - Filler-Corn (41) Motor vehicle fuels sales tax; price floor.</p>	<p>1/10/2018 House: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Support] (18104751D) Summary: Motor vehicle fuels sales tax; price floor. Provides that the 2.1% tax that is imposed on the sales price of motor fuel in Northern Virginia and Hampton Roads shall be imposed on the regional price of gas, defined and computed as the six-month average price of fuel, for each region. The regional price used to calculate the tax shall not be less than the average statewide price of a gallon of unleaded regular gasoline on February 20, 2013.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 1134 - Aird (63) Absentee voting; persons age 65 or older.	1/10/2018 House: Referred to Committee on Privileges and Elections	[1/19/2018]
<p>[Support] (18103589D) - Board has historically supported. See also HB 186 (Hayes), SB 4 (Ebbin), SB 164 (Wexton), SB 277 (Barker), and SB 453 (Mason).</p> <p>Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.</p>		
HB 1172 - Pillion (4) Overdose death review teams.	1/10/2018 House: Referred to Committee on Health, Welfare and Institutions	[1/19/2018]
<p>[Support] (18102981D)</p> <p>Summary: Establishes the State Overdose Death Review Process Team to develop and implement processes to ensure that overdose deaths occurring in the Commonwealth are reviewed in a systematic way. The bill also authorizes the establishment of local or regional overdose death review process teams for the purpose of conducting contemporaneous reviews of local overdose deaths in order to develop interventions and strategies for prevention specific to the locality or region.</p>		
HB 1319 - Sullivan, Jr. (48) Mass transit; makes numerous changes to administration of and revenues for transit.	1/10/2018 House: Referred to Committee on Rules	[1/19/2018]
<p>[Support] (18101814D) - Support for WMATA dedicated funding and governance reforms is in the County's Legislative Program; County will work with stakeholders to address concerns with the bills. See also SB 856 (Saslaw).</p> <p>Summary: Mass transit in the Commonwealth. Makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to the membership and funding of the Washington Metropolitan Area Transit Authority, the disbursement of funds in the Commonwealth Mass Transit Fund, and the authority of the Commonwealth Transportation Board to issue bonds for transit capital. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill also raises the regional congestion relief fee and the regional transient occupancy tax in the Northern Virginia region to raise additional revenues for mass transit.</p>		
HB 1333 - Brewer (64) Kinship Guardianship Assistance program; established.	1/10/2018 House: Referred to Committee on Health, Welfare and Institutions	[1/19/2018]
<p>[Support] (18104179D) - See also HB 106 (Delaney) and SB 636 (Dunnivant).</p> <p>Summary: Kinship Guardianship Assistance program. Creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for</p>		

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<p>whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program.</p>		
<p>HB 1352 - Thomas, Jr. (28) Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor.</p>	<p>1/11/2018 House: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Support] (18104418D) Summary: Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax.</p>		
<p>HB 1446 - Sickles (43) Conditional rezoning proffers.</p>	<p>1/17/2018 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/19/2018]</p>
<p>[Support] (18105323D) - Support for restoration of unrestricted local authority to accept cash and in-kind proffers from developers is in the County's Legislative Program. Summary: Conditional rezoning proffers; exempts urban county executive form of government.</p>		
<p>HB 1526 - Plum (36) Comprehensive plan; telecommunications towers and facilities in Northern Virginia.</p>	<p>1/19/2018 House: Committee referral pending</p>	<p>[1/19/2018]</p>
<p>[Support] (18105094D) Summary: Comprehensive plan; telecommunications towers and facilities; Planning District 8. Provides that localities in Planning District 8 (Northern Virginia) have the option to enact ordinances that deem proposed telecommunications towers or facilities constructed by certain entities to be substantially in accord with the comprehensive plan if any such proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right, in which case local planning commission approval shall not be required. Under existing law, commission approval is not required for such proposed telecommunications towers and facilities statewide.</p>		
<p>HJ 2 - Kory (38) United States</p>	<p>11/26/2017 House: Referred to Committee on Privileges and Elections</p>	<p>[1/19/2018]</p>

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Constitution; ratifies Equal Rights Amendment.		
<p>[Support] (18101472D) - Board has historically supported. See also HJ 4 (Lopez), HJ 129 (Robinson), and SJ 4 (Surovell).</p> <p>Summary: United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		
<p>HJ 4 - Lopez (49) United States Constitution; ratifies Equal Rights Amendment.</p>	11/28/2017 House: Referred to Committee on Privileges and Elections	[1/19/2018]
<p>[Support] (18101628D) - Board has historically supported. See also HJ 2 (Kory), HJ 129 (Robinson), and SJ 4 (Surovell).</p> <p>Summary: United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		
<p>HJ 70 - Bloxom, Jr. (100) Standards of Quality; JLARC to study cost to implement.</p>	1/8/2018 House: Referred to Committee on Rules	[1/19/2018]
<p>[Support] (18103694D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding. See also HJ 115 (LaRock), SJ 29 (Spruill), and SJ 56 (Sturtevant).</p> <p>Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.</p>		
<p>HJ 112 - Rodman (73) Study; Secretary of Education; full funding of the Standards of Quality; report.</p>	1/10/2018 House: Referred to Committee on Rules	[1/19/2018]
<p>[Support] (18103693D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding.</p> <p>Summary: Requests that the Secretary of Education study the requirements for the full funding of the</p>		

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Standards of Quality by establishing a work group consisting of interested stakeholders to review the current methods and formulae that the General Assembly utilizes to fund the Standards of Quality, with a particular focus on any adjustments or additional funding required to provide free public education to low-income students, students who receive special education, and English language learners.		
HJ 113 - Sickles (43) Study; JLARC; streamlining of special elections in the Commonwealth; report.	1/10/2018 House: Referred to Committee on Rules	[1/19/2018]
[Support] (18102098D) - Board has historically supported. Summary: Directs the Joint Legislative Audit and Review Commission to study the streamlining of special elections in the Commonwealth. In conducting its study, JLARC shall (i) review the current laws governing special elections, (ii) evaluate the costs borne in recent years by the localities to conduct special elections as compared to voter turnout at such elections, and (iii) consider options for a cohesive set of laws to govern special elections and for scheduling special elections, including the merits of establishing a uniform schedule. General registrars, members of local electoral boards, and other election administrators will be invited to participate in the study.		
HJ 115 - LaRock (33) Standards of Quality; JLARC to study cost to implement.	1/10/2018 House: Referred to Committee on Rules	[1/19/2018]
[Support] (18103648D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding. See also HJ 70 (Bloxom), SJ 29 (Spruill), and SJ 56 (Sturtevant). Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.		
HJ 126 - Foy (2) Study; JLARC; costs of education; report.	1/10/2018 House: Referred to Committee on Rules	[1/19/2018]
[Support] (18104123D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding. Summary: Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the funds necessary to fully implement the Standards of Quality.		
HJ 129 - Robinson (27) United States Constitution; ratifies Equal Rights Amendment.	1/12/2018 House: Referred to Committee on Privileges and Elections	[1/19/2018]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (18105037D) - Board has historically supported. See also HJ 2 (Kory), HJ 4 (Lopez), and SJ 4 (Surovell).</p> <p>Summary: United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		
<p>SB 4 - Ebbin (30) Absentee voting; persons age 65 or older.</p>	<p>11/20/2017 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/19/2018]</p>
<p>[Support] (18100495D) - Board has historically supported. See also HB 186 (Hayes), HB 1134 (Aird), SB 164 (Wexton), SB 277 (Barker), and SB 453 (Mason).</p> <p>Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.</p>		
<p>SB 14 - Petersen (34) Service of process; county attorney to be served when actions against county officers, etc.</p>	<p>11/20/2017 Senate: Referred to Committee for Courts of Justice</p>	<p>[1/19/2018]</p>
<p>[Support] (18100550D)</p> <p>Summary: Service of process on county attorney. Removes the requirement that in an action against a supervisor, county officer, employee, or agent of the county, each member of the county board be served; instead, only the county attorney, or the clerk of the county board if there is no county attorney, and the defendant need to be served.</p>		
<p>SB 114 - Locke (2) Absentee voting; no excuse.</p>	<p>12/15/2017 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/19/2018]</p>
<p>[Support] (18101566D) - See also HB 57 (Herring) and HB 1072 (Heretick).</p> <p>Summary: Allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section.</p>		
<p>SB 117 - Favola (31) Value engineering; raises minimum project cost.</p>	<p>12/15/2017 Senate: Referred to Committee on Transportation</p>	<p>[1/19/2018]</p>
<p>[Support] (18102577D) - See also SB 125 (Black).</p> <p>Summary: Value engineering. Raises the minimum project cost requiring the use of value engineering from</p>		

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<p>\$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements.</p>		
<p>SB 125 - Black (13) Value engineering; raises minimum project cost.</p>	<p>12/18/2017 Senate: Referred to Committee on Transportation</p>	<p>[1/19/2018]</p>
<p>[Support] (18101812D) - See also SB 117 (Favola). Summary: Value engineering. Raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements.</p>		
<p>SB 136 - Howell (32) Absentee voting; no-excuse in-person available 21 days prior to election.</p>	<p>12/20/2017 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/19/2018]</p>
<p>[Support with Amendment] (18101090D) - Support with amendments to facilitate implementation. See also HB 733 (Carr) and SB 602 (Ebbin). Summary: Allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.</p>		
<p>SB 164 - Wexton (33) Absentee voting; persons age 65 or older.</p>	<p>12/28/2017 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/19/2018]</p>
<p>[Support] (18100995D) - Board has historically supported. See also HB 186 (Hayes), HB 1134 (Aird), SB 4 (Ebbin), SB 277 (Barker), and SB 453 (Mason). Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.</p>		
<p>SB 166 - Black (13) Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.</p>	<p>12/28/2017 Senate: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Support] (18101820D) - See also HB 606 (Gooditis), HB 656 (LaRock), and SB 189 (Favola). Summary: Virginia Department of Historic Resources; telecommunications; Section 106 review process work group. Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section</p>		

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106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.		
SB 189 - Favola (31) Telecommunications; Dept. of Historic Resources to convene work group to examine Sect. 106 review.	12/29/2017 Senate: Referred to Committee on Rules	[1/19/2018]
[Support] (18102580D) - See also HB 606 (Gooditis), HB 656 (LaRock), and SB 166 (Black). Summary: Virginia Department of Historic Resources; telecommunications; Section 106 review process work group. Directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018.		
SB 200 - Favola (31) Local government taxing authority; equalizes municipal and county taxing authority.	1/1/2018 Senate: Referred to Committee on Local Government	[1/19/2018]
[Support with Amendment] (18101468D) - Support with amendment to address technical issues; support for equal taxing authority is in the County's legislative program. Summary: Local government taxing authority. Equalizes municipal taxing authority and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill has a delayed effective date of July 1, 2019, prior which to the Division of Legislative Services is directed to convene a working group to develop recommendations as to what additional legislative changes are needed to effectuate the provisions of the bill.		
SB 202 - Ebbin (30) Public employment; prohibits discrimination on basis of sexual orientation or gender identity.	1/2/2018 Senate: Referred to Committee on General Laws and Technology	[1/19/2018]
[Support] (18100785D) - Board has historically supported. Summary: Nondiscrimination in public employment. Prohibits discrimination in public employment on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran.		

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Bills	General Assembly Actions	Date of BOS Position
SB 203 - Favola (31) Food stamp eligibility; drug-related felonies.	1/2/2018 Senate: Referred to Committee on Rehabilitation and Social Services 1/19/2018 Senate: Reported from Rehabilitation and Social Services (8-Y 6-N) 1/19/2018 Senate: Rereferred to Finance	[1/19/2018]
<p>[Support] (18102659D) - Board has historically supported.</p> <p>Summary: Provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a first-time felony offense of possession with intent to distribute more than one-half ounce but not more than five pounds of marijuana, provided that he complies with all obligations imposed by the criminal court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings. Current law prohibits denial of such benefits only if such persons have been convicted of felony possession of a controlled substance.</p>		
SB 204 - Favola (31) TANF; eligibility, person who refuses to participate in periodic drug testing, drug-related felony.	1/2/2018 Senate: Referred to Committee on Rehabilitation and Social Services 1/19/2018 Senate: Reported from Rehabilitation and Social Services with amendments (8-Y 6-N) 1/19/2018 Senate: Rereferred to Finance	[1/19/2018]
<p>[Support] (18102662D) - Board has historically supported.</p> <p>Summary: Eligibility for TANF; drug-related felonies. 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 first-time felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed a substance abuse treatment program, and participates in drug screenings. The bill provides that a person who fails or refuses to participate in periodic drug testing or who tests positive for the use of illegal substances shall be ineligible to receive TANF benefits for a period of 12 months; however, such person is given one opportunity during the 12-month period to comply with the testing requirement and be reinstated to eligibility for TANF benefits.</p>		
SB 242 - Marsden (37) Park authority; immunity from liability in any civil action.	1/4/2018 Senate: Referred to Committee on Local Government	[1/19/2018]
<p>[Support] (18101504D) - Board has historically supported.</p> <p>Summary: Park authority liability; immunity. Grants immunity from liability in any civil action to park authorities created pursuant to the Park Authorities Act (§ 15.2-5700 et seq.) for damages caused by ordinary negligence on the part of any officer or agent of such park authority in the maintenance or operation of any such park, recreational facility, or playground.</p>		
SB 254 - Dance (16) Absentee voting; no excuse required when voting in person.	1/5/2018 Senate: Referred to Committee on Privileges and Elections	[1/19/2018]

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<p>[Support] (18102273D) - Board has historically supported. See also HB 835 (Bagby). Summary: Provides that any registered voter may vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason for being unable to vote in person on election day. The bill retains the statutory list of reasons allowing a voter to cast an absentee ballot by mail.</p>		
<p>SB 277 - Barker (39) Absentee voting; persons age 65 or older.</p>	<p>1/5/2018 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/19/2018]</p>
<p>[Support] (18103562D) - Board has historically supported. See also HB 186 (Hayes), HB 1134 (Aird), SB 4 (Ebbin), SB 164 (Wexton), and SB 453 (Mason). Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.</p>		
<p>SB 312 - Edwards (21) Cooperative procurement of professional services; construction, solar power purchase agreements.</p>	<p>1/8/2018 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/19/2018]</p>
<p>[Support] (18104236D) Summary: Provides that construction performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as construction, notwithstanding any reference to "construction" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure also provides that professional services, such as engineering, performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as a professional service, notwithstanding any reference to "professional services" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure authorizes any contracting entity to purchase services under a solar services agreement, solar power purchase agreement, or solar self-generation agreement entered into by another contracting entity, even if it did not participate in the request for proposals, if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure specifies that project agreements for power purchase agreements that reference a master solar power purchase agreement, whether or not the master power purchase agreement is still in effect, shall be binding and effective stand-alone agreements for as long as the life of the project agreements, and may be used by a contracting entity to purchase services under a cooperative procurement agreement. The measure has a delayed effective date of January 1, 2019.</p>		
<p>SB 381 - Chafin (38) School buses; passing while stopped, injury to another person, penalty.</p>	<p>1/9/2018 Senate: Referred to Committee for Courts of Justice</p>	<p>[1/19/2018]</p>
<p>[Support] (18100710D) Summary: Passing a stopped school bus; injury to another person; penalty. Provides that any person who unlawfully passes a stopped school bus while driving a motor vehicle and causes serious bodily injury to another person is guilty of a Class 5 felony.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>SB 393 - Barker (39) Motor vehicle fuels; sales tax in certain areas of the Commonwealth, price floor.</p>	<p>1/9/2018 Senate: Referred to Committee on Finance</p>	<p>[1/19/2018]</p>
<p>[Support] (18103710D) Summary: Motor vehicle fuels sales tax in certain areas of the Commonwealth; price floor. Establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013.</p>		
<p>SB 399 - Lewis, Jr. (6) Drug overdose fatality review teams, local or regional; localities to establish.</p>	<p>1/9/2018 Senate: Referred to Committee on Education and Health</p>	<p>[1/19/2018]</p>
<p>[Support] (18101721D) Summary: Local or regional drug overdose fatality review teams. Authorizes any county or city, or any combination of counties, cities, or counties and cities, to establish a local or regional drug overdose fatality review team for the purpose of (i) conducting contemporaneous reviews of local drug overdose deaths, (ii) promoting cooperation and coordination among agencies involved in investigations of drug overdose deaths or in providing services to surviving family members, (iii) developing an understanding of the causes and incidence of drug overdose deaths in the locality, (iv) developing plans for and recommending changes within the agencies represented on the local team to prevent drug overdose deaths, and (v) advising the Department of Health and other relevant state agencies on changes to law, policy, or practice to prevent overdose deaths. The bill authorizes a local or regional team to review the death of any person who resides in the Commonwealth and whose death was or is suspected to be due to drug overdose. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor.</p>		
<p>SB 423 - Wexton (33) Virginia Fair Housing Law; unlawful discriminatory housing practices.</p>	<p>1/9/2018 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/19/2018]</p>
<p>[Support] (18100962D) - Board has historically supported. Summary: Virginia Fair Housing Law; unlawful discriminatory housing practices; sexual orientation and gender identity. Adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines sexual orientation and gender identity.</p>		
<p>SB 436 - Wexton (33) Schedule I drugs; classification for fentanyl derivatives.</p>	<p>1/9/2018 Senate: Referred to Committee on Education and Health</p>	<p>[1/19/2018]</p>
<p>[Support] (18101586D) Summary: Adds to Schedule I of the Drug Control Act a classification for fentanyl derivatives.</p>		

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SB 453 - Mason (1) Absentee voting; persons age 65 or older.	1/9/2018 Senate: Referred to Committee on Privileges and Elections	[1/19/2018]
<p>[Support] (18101939D) - Board has historically supported. See also HB 186 (Hayes), HB 1134 (Aird), SB 4 (Ebbin), SB 164 (Wexton), and SB 277 (Barker).</p> <p>Summary: Entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election.</p>		
SB 458 - Peake (22) Conditional proffers; public facility capacity, previously approved residential developments.	1/9/2018 Senate: Referred to Committee on Local Government	[1/19/2018]
<p>[Support] (18104595D) - Support elements that mitigate impacts of 2016 proffer legislation. See also HB 163 (Ware).</p> <p>Summary: Conditional proffers; public facility capacity; previously approved residential developments. Authorizes a locality to base its assessment of a public facility's capacity on the projected impacts specifically attributable to previously approved residential developments, or portions thereof, that have not yet been completed when determining whether a proffer is unreasonable. The bill also removes language prohibiting a locality from accepting any unreasonable proffer; language prohibiting a locality from requesting any unreasonable proffer is retained.</p>		
SB 525 - Obenshain (26) Judges; maximum number in each judicial district and circuit.	1/9/2018 Senate: Referred to Committee for Courts of Justice	[1/19/2018]
<p>[Support] (18101399D) - See also HB 743 (Leftwich).</p> <p>Summary: Maximum number of judges in each judicial district and circuit. Increases or decreases the maximum number of judges in select judicial districts and circuits to reflect the number of authorized judgeships recommended by the Supreme Court of Virginia in the 2017 "Virginia Judicial Workload Assessment Report."</p>		
SB 543 - Mason (1) Adult protective services; emergency order, temporary conservator.	1/9/2018 Senate: Referred to Committee for Courts of Justice	[1/19/2018]
<p>[Support] (18101949D) - See also HB 850 (Peace).</p> <p>Summary: Emergency order for adult protective services; temporary conservator. Requires courts issuing an emergency order for adult protective services to (i) appoint, when applicable, a temporary conservator with responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order and (ii) set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator. The bill allows the temporary conservator to petition the court to have the emergency order set aside or modified upon a substantial change</p>		

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in circumstances and requires the temporary conservator to submit to the court a report describing any services provided to the adult.		
SB 559 - DeSteph, Jr. (8) Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots.	1/9/2018 Senate: Referred to Committee on Privileges and Elections	[1/19/2018]
<p>[Support] (18100152D) - Board has historically supported concept. Implementation issues need to be resolved. Summary: Uniform Military and Overseas Voters Act; secure return of voted military-overseas ballots by electronic means; pilot program. Requires the State Board of Elections to establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Under the pilot program, those uniformed-service voters shall be permitted to sign the military-overseas ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. The State Board is directed to request proposals for the development and maintenance of the system used for the pilot program and to provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The provisions of the bill are contingent on funding in a general appropriation act. The bill has an expiration date of July 1, 2020.</p>		
SB 602 - Ebbin (30) Absentee voting; no-excuse in-person available 21 days prior to election.	1/9/2018 Senate: Referred to Committee on Privileges and Elections	[1/19/2018]
<p>[Support with Amendment] (18101803D) - Support with amendments to facilitate implementation. See also HB 733 (Carr) and SB 136 (Howell). Summary: Allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting.</p>		
SB 636 - Dunnivant (12) Kinship Guardianship Assistance program; established.	1/10/2018 Senate: Referred to Committee on Rehabilitation and Social Services 1/19/2018 Senate: Reported from Rehabilitation and Social Services (14-Y 0-N) 1/19/2018 Senate: Rereferred to Finance	[1/19/2018]
<p>[Support] (18103106D) - See also HB 106 (Delaney) and HB 1333 (Brewer). Summary: Kinship Guardianship Assistance program. Creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for</p>		

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Bills	General Assembly Actions	Date of BOS Position
the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program.		
SB 683 - Stuart (28) Commuter Rail Operating and Capital Fund; established.	1/10/2018 Senate: Referred to Committee on Transportation 1/17/2018 Senate: Rereferred to Finance	[1/19/2018]
[Support] (18102474D) Summary: Commuter Rail Operating and Capital Fund. Establishes the Commuter Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve commuter rail service.		
SB 700 - Deeds (25) School bus video-monitoring systems; release of information by the Department of Motor Vehicles.	1/10/2018 Senate: Referred to Committee on Transportation	[1/19/2018]
[Support] (18102265D) Summary: Authorizes the Department of Motor Vehicles to release vehicle owner data of a vehicle that failed to stop for a stopped school bus upon request of a video-monitoring system operator or upon request of the authorized agent or employee of a video-monitoring system operator.		
SB 757 - Sturtevant, Jr. (10) Certificate of public need; psychiatric beds and services.	1/10/2018 Senate: Referred to Committee on Education and Health	[1/19/2018]
[Support] (18101914D) Summary: 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.		
SB 770 - Surovell (36) Absentee voting; alternative locations for in-person absentee voting.	1/10/2018 Senate: Referred to Committee on Privileges and Elections	[1/19/2018]
[Support with Amendment] (18103486D) - Support with amendments to facilitate implementation. Summary: 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		

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Bills	General Assembly Actions	Date of BOS Position
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.		
SB 827 - Howell (32) Courthouse and courtroom security; assessment.	1/15/2018 Senate: Referred to Committee for Courts of Justice	[1/19/2018]
[Support] (18103979D) - Board has historically supported. Summary: Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.		
SB 839 - Favola (31) Resident stickers; turns in certain residential areas.	1/15/2018 Senate: Referred to Committee on Local Government	[1/19/2018]
[Support] (18104060D) - See also HB 295 (Murphy). Summary: Turns in certain residential areas; resident stickers. Allows counties by ordinance to develop a program to issue permits to residents of a designated area that will allow such residents to make turns into or out of the neighborhood during certain times of the day where such turns would otherwise be restricted.		
SB 856 - Saslaw (35) Mass transit; makes numerous changes to administration of and revenues for transit.	1/17/2018 Senate: Referred to Committee on Finance	[1/19/2018]
[Support] (18101813D) - Support for WMATA dedicated funding and governance reforms is in the County's Legislative Program; County will work with stakeholders to address concerns with the bills. See also HB 1319 (Sullivan). Summary: Mass transit in the Commonwealth. Makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to the membership and funding of the Washington Metropolitan Area Transit Authority, the disbursement of funds in the Commonwealth Mass Transit Fund, and the authority of the Commonwealth Transportation Board to issue bonds for transit capital. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill also raises the regional congestion relief fee and the regional transient occupancy tax in the Northern Virginia region to raise additional revenues for mass transit.		
SB 862 - Vogel (27) Pharmacy drug disposal program.	1/17/2018 Senate: Referred to Committee on Education and Health	[1/19/2018]
[Support] (18104343D) Summary: Requires that each pharmacy participate in a pharmacy drug disposal program in order to properly dispose of unwanted prescription drugs. Under current law, participation in such program is voluntary.		

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Bills	General Assembly Actions	Date of BOS Position
<p>SJ 4 - Surovell (36) United States Constitution; ratifies Equal Rights Amendment.</p>	<p>11/20/2017 Senate: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Support] (18100396D) - Board has historically supported. See also HJ 2 (Kory), HJ 4 (Lopez), and HJ 129 (Robinson). Summary: United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		
<p>SJ 13 - Black (13) Study; joint committee to study the 2016 conditional rezoning proffer reform bill; report.</p>	<p>12/28/2017 Senate: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Support] (18101228D) Summary: Establishes a joint committee of the Senate Committee on Local Government and the House Committee on Counties, Cities and Towns to study the 2016 conditional rezoning proffer reform bill. In conducting its study, the joint committee is directed to gather information and develop recommendations on the impact that the 2016 proffer reform bill has had on development, including: (i) data regarding the growth, decline, or stagnation in the number, size, scale, or monetary value of development projects in the Commonwealth; (ii) new or revised policies, guidance, and practices adopted by localities regarding negotiations with developers; (iii) litigation, decisions of local boards of appeals, and other justiciable matters that have arisen from, or been directed at the proffer reform bill; and (iv) any other result, consequence, or impact the proffer reform bill has had on development in the Commonwealth. The joint committee shall invite developers, localities, and other stakeholders to participate in the study.</p>		
<p>SJ 29 - Spruill, Sr. (5) Standards of Quality; JLARC to study cost to implement.</p>	<p>1/6/2018 Senate: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Support] (18102145D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding. See also HJ 70 (Bloxom), HJ 115 (LaRock), and SJ 56 (Sturtevant). Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.</p>		
<p>SJ 56 - Sturtevant, Jr. (10) Standards of Quality; JLARC to study cost to implement.</p>	<p>1/10/2018 Senate: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (18101324D) - Fairfax County's Legislative Program includes support for adequate K-12 education funding. See also HJ 70 (Bloxom), HJ 115 (LaRock), and SJ 29 (Spruill). Summary: Study; JLARC; costs of education; report. Directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality.</p>		
<p>SJ 58 - Surovell (36) Study; use and impact of law clerks on judicial workload and work product; report.</p>	<p>1/10/2018 Senate: Referred to Committee on Rules</p>	<p>[1/19/2018]</p>
<p>[Support] (18101458D) Summary: Requests the Office of the Executive Secretary of the Supreme Court of Virginia to study the use and impact of law clerks on judicial workload and work product, including potential costs to the Commonwealth to provide funds for law clerks in all circuit courts.</p>		

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Fairfax County Positions

(Monitor)

* * *

Bills	General Assembly Actions	Date of BOS Position
HB 150 - Bulova (37) Child abuse and neglect; founded reports regarding former school employees.	12/20/2017 House: Referred to Committee on Health, Welfare and Institutions 1/18/2018 House: Reported from Health, Welfare and Institutions (22-Y 0-N)	[1/19/2018]
<p>[Monitor] (18101331D) - See also SB 184 (Favola). Summary: Requires local departments of social services to notify the appropriate school board without delay if the subject of a founded complaint of child abuse or neglect was, at the time of the investigation or the conduct that led to the report, an employee of a school division located within the Commonwealth. Currently, such reporting is only required if the subject of the complaint is an employee of a school division at the time the complaint is determined to be founded.</p>		
HB 177 - Bell (20) Distracted driving; handheld personal communications devices, driving with an animal.	12/23/2017 House: Referred to Committee for Courts of Justice	[1/19/2018]
<p>[Monitor] (18101015D) Summary: Distracted driving; handheld personal communications devices; driving with an animal. Prohibits a vehicle operator from using his hands to use a handheld personal communications device while driving. Current law only prohibits the use of a handheld personal communications device for certain purposes while operating a moving vehicle. The bill exempts any person who is using a radio-based communications device during an emergency or disaster relief operation or who is using a handheld personal communications device to initiate or terminate a telephone call; the bill maintains the current exemptions for any person who is stopped or parked, emergency personnel, and reporting an emergency. The bill also prohibits any person, while operating a moving motor vehicle, to (i) have an animal on his lap, (ii) permit an animal to impede his free access to and use of vehicle controls, or (iii) obstruct his vision.</p>		
HB 180 - Collins (29) Distracted driving; penalty.	12/23/2017 House: Referred to Committee for Courts of Justice	[1/19/2018]
<p>[Monitor] (18101408D) Summary: Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purpose of navigation. The bill eliminates the current exemption from the prohibition on using a handheld personal communications device while operating a motor vehicle when the vehicle is stopped or not moving; the current exemption from the prohibition when the vehicle is parked is not affected.</p>		
HB 196 - Bulova (37) Child abuse or neglect; extension of hearings to	12/28/2017 House: Referred to Committee on Health, Welfare and Institutions 1/18/2018 House: Reported from Health, Welfare and Institutions with amendments (22-Y 0-N)	[1/19/2018]

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Bills	General Assembly Actions	Date of BOS Position
review findings by local depts. of social services.	1/18/2018 House: Referred to Committee on Appropriations	
<p>[Monitor] (18101323D)</p> <p>Summary: Extensions of hearings to review findings by local departments of social services related to child abuse or neglect. Provides that a person who appeals a determination by a local department of social services related to child abuse or neglect to a hearing officer designated by the Commissioner of Social Services may request a maximum of two extensions of the hearing upon a showing of compelling reasons to justify the extensions, which shall not exceed 90 days after the date on which the hearing was first scheduled to be held.</p>		
<p>HB 227 - Stolle (83)</p> <p>Adoption by stepparent; background check.</p>	<p>12/29/2017 House: Referred to Committee on Health, Welfare and Institutions</p> <p>1/18/2018 House: Reported from Health, Welfare and Institutions with amendment (21-Y 0-N)</p>	[1/19/2018]
<p>[Monitor] (18102229D)</p> <p>Summary: Requires a circuit court, when determining whether an investigation by the director of the local department of social services should be required before a final order is entered to approve as an adoptive parent the spouse of a child's birth or adoptive parent, to consider the results of a national criminal history background check conducted on the prospective adoptive parent.</p>		
<p>HB 389 - Keam (35)</p> <p>Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.</p>	<p>1/5/2018 House: Referred to Committee on Health, Welfare and Institutions</p> <p>1/16/2018 House: Subcommittee recommends reporting (10-Y 0-N)</p>	[1/19/2018]
<p>[Monitor] (18101334D) - See also SB 183 (Favola).</p> <p>Summary: Requires local departments of social services to notify the Superintendent of Public Instruction without delay when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect.</p>		
<p>HB 492 - LaRock (33)</p> <p>Passing a stopped school bus; conviction shall not be made part of driving record.</p>	<p>1/8/2018 House: Referred to Committee for Courts of Justice</p>	[1/19/2018]
<p>[Monitor] (18103682D) - See also SB 805 (Carrico).</p> <p>Summary: Passing a stopped school bus; driving record. Provides that the imposition of a civil penalty for passing a stopped school bus shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.</p>		
<p>HB 508 - Hodges (98)</p> <p>Solar facilities; local regulation.</p>	<p>1/8/2018 House: Referred to Committee on Counties, Cities and Towns</p>	[1/19/2018]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Monitor] (18103843D) - See also SB 429 (Stanley). Summary: Local regulation of solar facilities. Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.</p>		
<p>HB 509 - Hodges (98) Comprehensive plan; solar facilities.</p>	<p>1/8/2018 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18103844D) - See also SB 179 (Stanley). Summary: Provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right, (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2, or (iii) such solar facility is advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.</p>		
<p>HB 824 - Knight (81) Short-term rentals; City of Lexington required to comply with provisions related.</p>	<p>1/9/2018 House: Referred to Committee on General Laws</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18102104D) Summary: Regulation of short-term rentals; City of Lexington. Requires the City of Lexington to comply with various statutory provisions related to the short-term rental of property. Any business license that was illegally required by any ordinance in effect regulating short-term rentals shall be null and void, and any license taxes illegally collected for short-term rentals subject to any ordinance in effect shall be refunded. Any taxpayer who was illegally required to pay transient occupancy taxes for rental of real property for more than 30 days shall be refunded such payment. Any violations of this act by the City shall entitle a taxpayer who has been affected by the City's actions to recover a \$250 penalty per violation, with each such action by the City being a separate violation.</p>		
<p>HB 886 - Stolle (83) Mental health treatment; admission regulations, toxicology results.</p>	<p>1/9/2018 House: Referred to Committee on Health, Welfare and Institutions</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18102884D) Summary: Admissions for mental health treatment; toxicology. Requires the Board of Health to include in regulations governing hospitals a provision that requires every hospital that provides inpatient psychiatric</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>services to establish a protocol that requires, for every refusal to admit a patient for whom there is a question of medical stability or medical appropriateness for admission due to toxicology results, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists.</p>		
<p><u>HB 933</u> - Hope (47) Mandatory outpatient treatment; extends time period for adults and juveniles.</p>	<p>1/9/2018 House: Referred to Committee for Courts of Justice</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18102530D) Summary: Mandatory outpatient treatment; time period. Extends the time period for mandatory outpatient treatment for adults and juveniles from 90 days to 180 days.</p>		
<p><u>HB 966</u> - Davis (84) Income tax, sales tax, etc.; refundable credit for certain local taxes.</p>	<p>1/9/2018 House: Referred to Committee on Finance</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18102193D) Summary: Taxation in the Commonwealth; income tax, sales tax, and credit for certain local taxes. Provides, for taxable years 2018 through 2022, a refundable credit against individual and corporate income taxes for a business's aggregate tax liability under the machinery and tools tax, the merchants' capital tax, and the business, professional, and occupational license (BPOL) tax.</p>		
<p><u>HB 1289</u> - Guzman (31) Passing stopped school busses; local ordinances.</p>	<p>1/10/2018 House: Referred to Committee on Transportation</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18100924D) Summary: Provides that a summons for a violation of a local ordinance prohibiting passing a stopped school bus shall be on a form provided by the Office of the Executive Secretary of the Supreme Court. The bill provides that any penalty imposed under such ordinance will not be reported to the Department of Motor Vehicles or made part of the operator's driving record. The bill provides that any such ordinance adopted by a county applies to infractions that occur in a town located within the county for which the county provides the public school system.</p>		
<p><u>SB 74</u> - Surovell (36) Handheld personal communications devices; use while driving.</p>	<p>12/1/2017 Senate: Referred to Committee on Transportation 1/17/2018 Senate: Incorporates SB441 (Wexton) 1/17/2018 Senate: Reported from Transportation with substitute (9-Y 4-N)</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18105161D-S1) Summary: Use of handheld personal communications devices while driving. Expands the prohibition on</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>using a handheld personal communications device while operating a motor vehicle to all communications unless the device is specifically designed to allow voice and hands-free operation and the device is being used in that manner. Current law prohibits only the reading of an 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 a citizens band radio, (iii) by federally licensed amateur radio operators under certain circumstances, or (iv) by an operator who activates, deactivates, or initiates a factory-installed feature or function on the vehicle.</p>		
<p>SB 179 - Stanley, Jr. (20) Comprehensive plan; solar facilities.</p>	<p>12/28/2017 Senate: Referred to Committee on Local Government</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18103842D) - See also HB 509 (Hodges). Summary: Provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right, (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2, or (iii) such solar facility is advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.</p>		
<p>SB 183 - Favola (31) Child abuse and neglect; notice of founded reports to Superintendent of Public Instruction.</p>	<p>12/29/2017 Senate: Referred to Committee on Rehabilitation and Social Services 1/19/2018 Senate: Reported from Rehabilitation and Social Services (8-Y 6-N)</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18101322D) - See also HB 389 (Keam). Summary: Requires local departments of social services to notify the Superintendent of Public Instruction without delay when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect.</p>		
<p>SB 184 - Favola (31) Child abuse and neglect; founded reports regarding former school employees.</p>	<p>12/29/2017 Senate: Referred to Committee on Rehabilitation and Social Services 1/19/2018 Senate: Reported from Rehabilitation and Social Services (8-Y 6-N)</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18101321D) - See also HB 150 (Bulova). Summary: Requires local departments of social services to notify the appropriate school board without delay if the subject of a founded complaint of child abuse or neglect was, at the time of the investigation or the conduct that led to the report, an employee of a school division located within the Commonwealth. Currently, such reporting is only required if the subject of the complaint is an employee of a school division at the time the complaint is determined to be founded.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 208 - Stuart (28) Impact fees; residential development.	1/2/2018 Senate: Referred to Committee on Local Government	[1/19/2018]
<p>[Monitor] (18100268D)</p> <p>Summary: Impact fees for residential development. Repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses.</p>		
SB 218 - Lewis, Jr. (6) Recycling; clarifies definitions of beneficial use and recycling center, etc.	1/3/2018 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/11/2018 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (15-Y 0-N) 1/17/2018 Senate: Read third time and passed Senate (40-Y 0-N)	[1/19/2018]
<p>[Monitor] (18104926D-S1)</p> <p>Summary: Recycling; beneficial use; crushed glass. Defines "beneficial use," "beneficiation facility," and "recycling center" and provides that a beneficiation facility or recycling center shall be considered a manufacturer for the purpose of any state or local economic development incentive grant. The bill directs the Department of Environmental Quality (the Department) to encourage and support beneficial use; current law requires the Department to encourage and support litter control and recycling. The bill also directs the Department to provide to the General Assembly by November 1, 2019, an evaluation of Virginia's solid waste recycling rates and a set of recommendations for improving the reliability of the supply of recycled materials during the next 10 years in order to provide for beneficial use.</p>		
SB 429 - Stanley, Jr. (20) Local regulation of solar facilities.	1/9/2018 Senate: Referred to Committee on General Laws and Technology	[1/19/2018]
<p>[Monitor] (18104541D) - See also HB 508 (Hodges).</p> <p>Summary: Provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions pertaining to any local historic district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality.</p>		
SB 497 - Carrico, Sr. (40) Disorderly conduct in public places; right to detain.	1/9/2018 Senate: Referred to Committee for Courts of Justice	[1/19/2018]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Monitor] (18101055D) Summary: Provides that the person in charge of any public building, place, conveyance, meeting, operation, or activity may detain any person who engages in disorderly conduct for a period not to exceed one hour pending arrival of a law-enforcement officer.</p>		
<p>SB 622 - Surovell (36) Local transportation plan; secondary system road construction program allocation.</p>	<p>1/10/2018 Senate: Referred to Committee on Local Government</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18104532D) Summary: Local transportation plan; secondary system road construction program allocation; undergrounding utilities. Provides that if the adopted local transportation plan designates corridors planned to be served by mass transit, a portion of its allocation from the secondary system road construction program may be used for the purpose of utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation.</p>		
<p>SB 805 - Carrico, Sr. (40) Passing a stopped school bus; conviction shall not be made part of driving record.</p>	<p>1/11/2018 Senate: Referred to Committee on Transportation</p>	<p>[1/19/2018]</p>
<p>[Monitor] (18104568D) - See also HB 492 (LaRock). Summary: Passing a stopped school bus; driving record. Provides that the imposition of a civil penalty for passing a stopped school bus shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.</p>		

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**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018
GENERAL ASSEMBLY SESSION
as of January 19, 2018
Estimated Impact to Fairfax County - Increase/Decrease Over Prior
Fiscal Year (\$ million)**

	Governor's Budget	
	FY 2019*	FY 2020
Direct County Impact		
Provide 2% Salary Increase for State Supported Local Employees in FY 2020	\$0.00	\$0.40
Increase HB599 Funding	\$0.90	\$1.00
TOTAL DIRECT COUNTY IMPACT	\$0.90	\$1.40
TOTAL OVER THE BIENNIUM	\$2.30	

* Compares to County's FY 2018 Adopted Budget

<p>Impact to the Fairfax County Public Schools (FCPS) FY 2019 Operating Fund Budget</p> <p>Governor McAuliffe's Budget: Compared to FCPS' FY 2018 Approved Budget, Governor McAuliffe's Budget includes \$31.3 million more in state aid and \$8.9 in sales tax.</p> <p>Compared to FCPS' FY 2019 Budget Forecast presented to the School Board and the Board of Supervisors on November 28, 2017, Governor McAuliffe's Budget includes \$8.7 million more in state aid and \$5.0 million in sales tax revenue.</p>

**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Bill Item #	Issue	Fairfax County Impact
Compensation Board		
<u>State-Supported Employee Compensation</u>		
474.T1	<p>Governor McAuliffe's Budget: Provides 2% salary increase for all Constitutional officers and employees effective December 1, 2019 (FY 2020), provided that the governing body uses the added funding to support such salary increases.</p> <p>No compression based increases are included for Constitutional officers and their employees in FY 2019 or FY 2020; no additional funding to support qualified and unfunded new participation in approved career development programs is included for FY 2019 or FY 2020.</p> <p>No additional funding or positions are included to address staffing standards, including law enforcement, court services, or jail overcrowding.</p>	<p>Impact is in FY 2020. Results in an increase of \$0.4 million in FY 2020.</p>
<u>Inmate Per Diem Funding</u>		
	<p>Governor McAuliffe's Budget: Provides additional per diem funding of \$0.4 million in FY 2019 and \$1.4 million in FY 2020 based upon revised local- and state-responsible inmate population forecasts.</p>	<p>Funding to localities will be based on actual inmate population.</p>
Public Safety		
397	<p><u>State Aid to Localities with Police Departments (HB 599)</u></p> <p>Governor McAuliffe's Budget: Provides \$6.6 million in FY 2019 and an additional \$7.2 million in FY 2020 based on a projected General Fund (GF) revenue growth rate of 3.7% and 3.9%. Statutory policy requires that HB 599 funding increase at the rate of GF revenue growth.</p>	<p>Results in an increase of \$900,000 for Fairfax County in FY 2019 and \$1 million in FY 2020.</p>
Revenue		
292	<p><u>Health Department/Onsite Sewage Systems Permit Fees</u></p> <p>Governor McAuliffe's Budget: Effective July 1, 2019 (FY 2020), authorizes certain state fees for repair of an onsite sewage system or an alternative discharging system. The revenue would accrue to the state.</p> <p>In addition, requires the development of a long-term plan to adequately fund the food safety and restaurant inspection programs. In developing the plan, the state will seek input from representatives from local governments, private sector organizations, and the public. Among other things, the state will consider options to fund the programs through a flexible fee schedule that takes into account the number, size, and type of establishments and the time and resources to inspect such establishments. The state will also consider the feasibility of unifying the food safety inspections; currently, non-restaurant facilities (e.g., Wegmans) are inspected by the Local Health Department (inspects restaurant portion of facility) and the Virginia Department of Agriculture and Consumer Services (inspects other portions of the food facility). The plan should be developed no later than October 1, 2018.</p>	<p>Fairfax County would not receive any new revenue.</p> <p>This might increase operating budget costs if Local Health Departments become responsible for all food safety inspections at non-restaurant establishments such as grocery stores. Consolidation of inspections would be positive for public health, less confusing to facility owners and more efficient. However, the County would need to monitor and provide input during the development of the plan to ensure that Local Health Departments receive adequate funding to support inspection of non-restaurant facilities.</p>

**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Bill Item #	Issue	Fairfax County Impact
Other Items of Interest		
362	<p><u>Water Quality Improvement Fund (WQIF)</u> Governor McAuliffe's Budget: Provides \$22.5 million for the mandatory deposit to the Water Quality Improvement Fund (WQIF) associated with the FY 2017 year-end surplus. \$19.8 million is designated for Virginia cost-share programs and technical assistance provided through the Virginia Natural Resources Commitment Fund, and \$2 million is designated for the WQIF Reserve. The remaining \$750,000 remains in the WQIF for specified statewide purposes.</p>	
38	<p><u>Mental Health and Drug Court Dockets</u> Governor McAuliffe's Budget: Provides \$0.4 million each year to expand mental health and drug court dockets, as well as \$0.2 million and positions for drug court evaluation and monitoring.</p>	The County's Legislative Program includes support for specialty dockets.
106	<p><u>Virginia Growth and Opportunity Fund (Go Virginia)</u> Governor McAuliffe's Budget: Provides \$49 million over the biennium for the Go Virginia initiative to foster public-sector growth and job creation through state incentives for regional collaboration by business, education, and government.</p>	
107	<p><u>Virginia Enterprise Zone program</u> Governor McAuliffe's Budget: Provides \$12.8 million each year for the Virginia Enterprise Zone Program.</p>	
105	<p><u>Housing Trust Fund</u> Governor McAuliffe's Budget: Provides \$11 million over the biennium to support the Housing Trust Fund.</p>	The County's Legislative Program includes support for additional appropriations to the Virginia Housing Trust Fund.
466	<p><u>Veterans Benefits Offices</u> Governor McAuliffe's Budget: Provides \$0.2 million in FY 2019 and \$0.4 million in FY 2020 and positions to open new veterans benefits offices in Virginia Beach and Fort Belvoir in Fairfax County.</p>	

**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Bill Item #	Issue	Fairfax County Impact
Human Services		
Medicaid Expansion		
303	<p>Governor McAuliffe's Budget: Authorizes the expansion of Medicaid on October 1, 2018, to non-elderly adults with incomes up to 133 percent of the federal poverty level (over 300,000 Virginians would gain access to health care). The Governor proposes that the matching contributions needed to draw down federal Medicaid funds be covered by an assessment on the net patient revenue of private acute care hospitals operating in Virginia. The estimated GF savings to the Commonwealth is approximately \$152 million in FY 2019 and \$269.7 million in FY 2020.</p> <p>Also directs the Department of Medical Assistance Services (DMAS) to disenroll and eliminate coverage for newly eligible individuals, in the event that a federal action results in a reduction in federal medical assistance.</p>	<p>Support for the expansion of Medicaid as envisioned by the Affordable Care Act is included in the County's Legislative Program.</p> <p>The Fairfax-Falls Church Community Services Board (CSB) anticipates that additional individuals served by the CSB will receive Medicaid benefits as a result of this change.</p>
341	<p>Governor McAuliffe's Budget: Provides \$2.3 million GF and \$16.9 million NGF in FY 2019 and \$3.6 million GF and \$27.3 million NGF in FY 2020 to increase the capacity of local eligibility workers to handle the increased volume of applications associated with an expansion of Medicaid.</p>	<p>Support for the expansion of Medicaid as envisioned by the Affordable Care Act is included in the County's Legislative Program.</p>
Medicaid Waivers		
303 I	<p>Governor McAuliffe's Budget: Provides approximately \$14.5 million GF and \$14.5 million NGF in FY 2019 and \$30.5 million GF and \$30.5 million NGF in FY 2020 to add a total of 825 new waiver slots to the Community Living (CL) and Family and Individual Support (FIS) waivers over the biennium. These slots are mandated by the settlement agreement with the U.S. Department of Justice, and include 70 slots for individuals transitioning out of facilities (35 each year), 75 slots to address the FIS waiver waitlist (25 in the first year and 50 in the second year), and 680 slots to address the CL waiver waitlist (325 the first year and 355 the second year).</p> <p>Also provides approximately \$940,000 GF and \$940,000 NGF in FY 2019 and \$1.9 million GF and \$1.9 million NGF in FY 2020 to fund 50 CL waiver slots that will be held in reserve capacity by the Department of Behavioral Health and Developmental Services (DBHDS), to address unanticipated emergency situations.</p> <p>Adds language requiring DBHDS to report on the use of emergency slots, and requiring the Department of Medical Assistance (DMAS) and DBHDS to track all costs, placements, and services associated with the additional CL and FIS waiver slots.</p>	<p>Likely positive, although demand for the CL and FIS will continue to exceed the available waiver slots, even with this increase. More than 2,000 individuals are on the Fairfax Falls-Church CSB's DD waiver waitlist (a combined waitlist for all the different waivers). The additional funding will support Fairfax individuals with DD, but the amount allocated will not cause a significant reduction in the number of individuals waiting for a waiver.</p>
303 OOO	<p>Governor McAuliffe's Budget: Provides approximately \$4.8 million GF in FY 2019 and \$5.1 million in FY 2020 (with matching NGF in both years) to increase rates for consumer-directed personal, respite, and companion care services by two percent in the home and community-based services waivers and Early Periodic Screening, and Diagnosis and Treatment (EPSDT) program to cover provider expenses.</p>	<p>No direct impact on Fairfax County, as these rates are paid to providers in the community. Fairfax County's Human Services Issue Paper includes support for state funding and expansion of Virginia's Medicaid waivers.</p>

**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Bill Item #	Issue	Fairfax County Impact
Medicaid		
305, 306	Governor McAuliffe's Budget: Increases funding for the Family Access to Medical Insurance Security (FAMIS) program (Virginia's Children's Health Insurance Program (CHIP)) by approximately \$5.7 million GF in FY 2019 and \$40 million GF in FY 2020 to reflect the latest expenditure forecast. Funding assumes that the current enhanced federal match (88 percent) is maintained for federal FY 2018 and 2019. In federal FY 2020, it is expected that the federal match rate for Virginia will drop to 76.5 percent.	These are required increases due to higher costs and utilization. Congress temporarily authorized this federal program through March 2018, but a long-term authorization is still needed. The Governor's proposal includes the assumption that Congress will take action to continue the program.
303	Governor McAuliffe's Budget: Increases funding by \$575.8 million GF over the biennium for the cost of Medicaid utilization and inflation as estimated in the most recent forecast expenditures.	These are required increases due to higher costs and utilization.
Children's Services Act (CSA)		
282	Governor McAuliffe's Budget: Provides approximately \$16.9 million in FY 2019 and \$37.3 million in FY 2020 to fund the anticipated caseload and expenditure growth in services provided through CSA. It is projected that expenditures will grow by 6.9 percent in FY 2019 and an additional 7.3 percent in FY 2020. The majority of growth in the program is attributed to an increase in special education private day programs.	These are required increases due to higher costs and utilization (sum sufficient language ensures that state and local governments provide the necessary funds).
282	Governor McAuliffe's Budget: Provides \$250,000 in FY 2019 and authority for the Office of Children's Services to contract with a consultant for a study on the adequacy of current rates paid to special education private day service providers. The language also requires the consultant to recommend a rate setting methodology.	This study would need to be monitored closely due to possible changes in scope that could impact the state-local funding partnership.

**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Bill Item #	Issue	Fairfax County Impact
	<u>Virginia Preschool Initiative</u>	
128	Governor McAuliffe's Budget: Provides \$50,000 GF in both years for the Department of Education to resume site visits to VPI programs to help ensure compliance with state guidelines and provide technical assistance to localities. These funds will also provide increased technical assistance and professional development for VPI local coordinators through regional annual meetings.	Positive, as this will support program quality throughout the state.
136	Governor McAuliffe's Budget: Captures approximately \$24 million GF in each year in savings based on an anticipated percentage of unused student slots calculated through the 2018-2020 biennium rebenchmarking process. Also adds language that reallocates unused slots to school divisions that utilized 100 percent of their calculated slots in the previous school year and have a waiting list for additional, unserved eligible children.	Fairfax County does not currently use all available slots, partially due to the required local match.
	<u>Child Care/Head Start</u>	
340	Governor McAuliffe's Budget: Provides an additional \$2.2 million NGF over the biennium in federal Child Care and Development Fund grant awards.	TBD.
341 E	Governor McAuliffe's Budget: Provides an additional approximately \$26.5 million NGF over the biennium for anticipated expenditure increases in local staff, operations and supportive costs.	Likely positive, although it is not clear how the funds will be distributed throughout the state.
347 E	Governor McAuliffe's Budget: Reduces the number of positions from the federal Child Care and Development Fund to address the workload associated with licensing, inspecting, and monitoring family day homes, from 79 to 59 in both years. Also changes the reporting frequency (from quarterly to annually) for the Department of Social Services' report on implementation of licensing, inspecting and monitoring family day homes.	No anticipated impact to the County.
	<u>Child Protective Services</u>	
344 M	Governor McAuliffe's Budget: Provides \$3 million GF in each year of mandated reinvestment funding to begin to procure a comprehensive child welfare information system for case management to replace four existing information systems. The new system will serve as the system of record for all local department of social services employees who investigate reports of abuse and neglect; provide prevention services to families; and serve children in foster care as well as those who have been adopted.	Fairfax County Department of Family Services staff will use the new system, but staff do not anticipate a local fiscal impact.
	<u>Foster Care/Adoption</u>	
344	Governor McAuliffe's Budget: Adds \$6.6 million GF and \$13.4 million NGF over the biennium to cover the cost of providing foster care and adoption subsidy payments. Based on recent expenditure trends and the impact of child welfare policy changes, this adjusts the appropriation to cover the necessary costs of providing payments to foster care and adoptive parents.	There is no local match required for adoption subsidies.

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**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Bill Item #	Issue	Fairfax County Impact
<u>Behavioral Health/Substance Use Disorder</u>		
303, 312	Governor McAuliffe's Budget: Provides \$5.9 GF in each year for staffing costs, and \$1.6 million GF in each year to cover Medicaid costs to implement same day access at all 40 Community Services Boards (CSBs) by July 1, 2019. The 2017 GA passed legislation making this a mandated service and appropriated funds to implement same-day access in 18 of the 40 CSBs (not including the Fairfax-Falls Church CSB). The funds in this amendment will provide the same support to the remaining CSBs.	The Fairfax-Falls Church CSB has been working towards meeting this standard, but does not have sufficient funding or staffing to meet the demand. Staff estimate that the Fairfax-Falls Church CSB would receive \$250,000, but implementing this mandate will cost \$2.5 million.
312	Governor McAuliffe's Budget: Provides \$3.7 million GF in FY 2019 and \$7.4 million GF in FY 2020 to implement primary care screening services at all 40 CSBs in Virginia, as required by legislation passed by the 2017 GA. Beginning July 1, 2019, all CSBs are responsible for outpatient clinic primary care screening and monitoring of key health indicators and health risk.	Although DBHDS has not specified all required aspects of primary care screening, Fairfax-Falls Church CSB staff anticipate that additional nursing staff will be needed to perform this task. It is unclear how this money will be distributed throughout the state, but it is unlikely that the funding received will be sufficient to cover the cost of providing this mandated service.
308	Governor McAuliffe's Budget: Increases the number of licensing officer positions in DBHDS by five in FY 2019 with four additional positions in FY 2020, totaling nine new licensing positions. The additional positions are needed to address the backlog generated by the increasing number of providers and provider locations that must be licensed by the agency in order to provide services.	Likely positive, as this will help facilities obtain licenses more quickly.
312	Governor McAuliffe's Budget: Replaces federal grant funding with \$5 million GF in each year for medication-assisted treatment for individuals with substance use disorders, and provides approximately \$800,000 GF in FY 2019 and \$1.7 million GF in FY 2020 for permanent supportive housing for up to 75 pregnant or parenting women with substance abuse disorders.	Positive, although it is unclear how this funding will be distributed throughout the state. The County's Legislative Program includes support for programs to combat substance use disorder.
312	Governor McAuliffe's Budget: Provides \$1.8 GF in FY 2019 and \$2.8 million GF in FY 2020 to fund the projected growth in the Early Intervention - Part C Caseload.	These are required increases due to increased costs and utilization (Part C is a mandated service). This will increase program capacity.
<u>Mental Health</u>		
310, 311, 343	Governor McAuliffe's Budget: Provides approximately \$1.8 million GF in FY 2019 and \$2.8 million GF in FY 2020 to fund the development and support of one assisted living facility for individuals with serious mental illness in the first year, and a second assisted living facility in the second year. In addition, funds are included to create two community support teams, and funds are provided to cover associated costs to the Auxiliary Grant program.	This will expand the capacity of mental health services, but it is not clear where the new facilities will be located. DBHDS recently released an RFP requesting proposals for group homes and 24-hour facilities in the southern part of the state.
312	Governor McAuliffe's Budget: Provides \$1.5 million GF in FY 2019 and \$3 million GF in FY 2020 to expand supportive housing options for up to 200 individuals with serious mental illness. Priority will be given to individuals currently residing in state facilities who have been determined ready for discharge, but need housing to be placed in the community.	Likely positive, as this may increase the number of licensed providers in Northern Virginia.
312	Governor McAuliffe's Budget: Provides \$2.3 million GF in FY 2019 and \$4.6 million GF in FY 2020 to transition individuals currently on the extraordinary barriers to discharge list at state mental health facilities into the community.	Likely positive, although it is not clear how these funds will be distributed throughout the state.
300	Governor McAuliffe's Budget: Provides an additional \$3 million GF in FY 2019 and \$3.9 million in FY 2020 for hospital and physician services for persons subject to an involuntary mental commitment.	Likely positive.

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**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Bill Item #	Issue	Fairfax County Impact
<u>Northern Virginia Training Center (NVTC)/DOJ Settlement Agreement</u>		
310	Governor McAuliffe's Budget: Provides \$1.2 million GF in FY 2019 for expenditures needed to comply with the DOJ settlement agreement to include provider training, provider compliance review, and quality management and IT improvements.	Staff anticipate that this funding will be appropriated to DBHDS to fund statewide training for DD providers and increase DBHDS' ability to conduct quality assurance compliance reviews on contracted services. This issue has been identified in several reports by the independent DOJ implementation auditor.
303	Governor McAuliffe's Budget: Adjusts the budget to reflect anticipated closures of the Central Virginia Training Center (CVTC) and Southwestern Virginia Training Center (SWVTC) and the associated costs (\$10.5 million GF and \$10.5 million NGF in FY 2019, and \$17 million GF and \$17 million NGF in FY 2020).	TBD. Some individuals served by the Fairfax-Falls Church CSB currently reside in training centers in other parts of the state.
312	Governor McAuliffe's Budget: Adjusts appropriation from the Behavioral Health Trust Fund to properly reflect the amount of funds anticipated to be available in FY 2019 from the sale of the Northern Virginia Training Center. A portion of the anticipated proceeds was appropriated in FY 2018. This reduces the appropriation by approximately \$4.8 million NGF in FY 2019 and \$8.6 million NGF in FY 2020. The remaining \$3.9 million in FY 2019 will be used to develop services for individuals with complex medical needs and multiple diagnoses.	TBD. It is unclear if the remaining \$3.9 million will be dedicated to developing services in Northern Virginia. The County's Legislative Program includes support for budget language that requires the proceeds of the sale of the NVTC to be used solely to develop services and housing opportunities for persons with developmental disabilities in Northern Virginia. DBHDS continues to be non-committal regarding the allocation of these dollars to Northern Virginia.
312	Governor McAuliffe's Budget: Provides approximately \$2.4 million GF in FY 2019 and \$3.2 million GF in FY 2020 to staff a children's crisis therapeutic home and an adult transitions home located in Northern Virginia, acquired pursuant to Chapter 780, the 2016 Appropriation Act, which provided one-time funds from the Behavioral Health and Developmental Services Trust Fund for the development of services in the region for those with intensive behavioral or medical needs. The DOJ settlement agreement mandates the development of crisis infrastructure to support the target population.	TBD. The County's Legislative Program includes support for additional funding for community-based services for individuals in Northern Virginia.
312	Governor McAuliffe's Budget: Provides \$1.6 million GF in FY 2019 and \$4 million GF in FY 2020 to fund rental subsidies for 343 individuals with developmental disabilities to live in their own housing with appropriate supports. The DOJ settlement agreement requires the Commonwealth to establish and implement a plan to address access to independent housing options. As a result of this requirement, the Commonwealth has established a goal of providing rental assistance to 847 individuals. Current funding has allowed for 504 individuals to receive rental assistance. This request would provide funding to support the remaining 343.	Likely positive.
311	Governor McAuliffe's Budget: Provides \$1.3 million GF and authorizes 8.75 positions in FY 2020 to create a Developmental Disability Health Supports Network (DDHSN) in the region currently served by the Central Virginia Training Center. Current base funding for DDHSNs in FY 2018 is \$3.9 million, which funds networks that replace services previously provided by the Southside Virginia Training Center, Northern Virginia Training Center, and Southwestern Virginia Training Center.	Likely positive, as these funds will support the specialized health needs of individuals leaving the training centers that are closing. Some individuals served by the Fairfax-Falls Church CSB currently reside in training centers in other parts of the state. However, staff do not anticipate that this appropriation would significantly impact individuals' ability to return to Northern Virginia.

**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Bill Item #	Issue	Fairfax County Impact
<u>Long-Term Care</u>		
343 A	Governor McAuliffe's Budget: Increases the licensed assisted living facility rates for individual facilities (with an occupancy rate of 85 percent of licensed capacity) and adult foster care homes from \$1,221 per month to \$1,271 per month. The Department of Social Services may add a 15 percent differential to the maximum amount for facilities in Planning District 8.	Likely positive.
334	Governor McAuliffe's Budget: Provides \$440,000 GF in both years to cover the on-going operating costs associated with replacing the current case management system used by adult services and adult protective services (APS) workers. Federal funds are being used to implement the new system, and state GF support is needed to cover licensing and support costs.	Likely positive. The Northern Virginia Aging Network's legislative platform includes this as a budget priority. These funds will support Peer Place/No Wrong Door, which will bring local APS and Adult Services programs into the No Wrong Door Virginia network, and improve access to services and supports for older adults, individuals with disabilities, caregivers, veterans and families.
<u>Safety Net Programs</u>		
340	Governor McAuliffe's Budget: Reduces by approximately \$25 million NGF in FY 2019 and \$29 million NGF in FY 2020 funding for TANF to properly account for the anticipated costs of providing mandated TANF benefits.	This reduction reflects projected caseload changes. No local impact anticipated.
340	Governor McAuliffe's Budget: Adjusts funding by adding \$800,000 in each year for the TANF Unemployed Parents (UP) program, based on a revised projection of the estimated 2018-2020 biennial costs.	This reduction reflects projected caseload changes. Fairfax County staff are seeing a slight increase in TANF-UP clients.
<u>Northern Virginia Family Services</u>		
346 G	Governor McAuliffe's Budget: Provides \$500,000 from the TANF block grant in each year to NVFS to provide supportive services that address the basic needs of families in crisis. The 2016-2018 biennium budget provided \$200,000 GF in FY 2017 and \$500,000 from the TANF block grant in FY 2018.	Likely positive.

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**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Bill
Item #

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Public Education	Fairfax County Public Schools (FCPS) Impact (School Operating Fund)
<p>Direct Aid to Public Education <u>Recalculation of Local Composite Index for 2018-2020</u> Governor McAuliffe's Budget: The Local Composite Index (LCI) is calculated every two years for the state's biennium budget. Counties and cities with a lower composite index receive more state funding, while those with a higher index receive less funding.</p>	<p>FCPS' local composite index decreased from 0.6844 to 0.6754 for the new biennium. The state did not delineate the impact due to the LCI.</p>
<p><u>Update Costs of the Standards of Quality (SOQ), Sales Tax and Basic Aid</u> Governor McAuliffe's Budget: Provides \$230.2 million in FY 2019 and \$254.7 million in FY 2020 to fully fund the biennial rebenchmarking of K-12 SOQ costs. These increases do not reflect changes in policy but adjust the cost of continuing current programs with the required data revisions.</p> <p>Updates Sales Tax revenue projections, increasing state funding by \$32.9 million in FY 2019 and \$63.9 million in FY 2020. The state share of Basic Aid decreases approximately \$18.3 million in FY 2019 and \$35.7 million in FY 2020 due to the revised sales tax estimates. The net change is an increase of \$14.5 million in FY 2019 and \$28.2 million in FY 2020.</p>	<p>The combined impact of rebenchmarking and the impact due to a decrease in the LCI totals \$8.7 million as compared to the presentation to the School Board (SB) and the Board of Supervisors (BOS) on November 28, 2017.</p> <p>Results in an additional \$5.0 million as compared to preliminary projections for FY 2019 presented to the SB/BOS at the joint board meeting on November 28, 2017. Due to the volatility often experienced in sales tax receipts, FCPS staff historically have not relied on the state's projections for this revenue item at this phase in the budget process.</p>
<p><u>Update Lottery Proceeds</u> Governor McAuliffe's Budget: Total Lottery proceeds are projected to increase (by \$40.2 million) to \$586.7 million in each year of the biennium.</p>	<p>The impact on Lottery funding to FCPS is minimal, at \$0.5 million, and already reflected in the overall impact of \$8.7 million due to rebenchmarking and a decrease in the LCI.</p>
<p>Salary Increase in FY 2020 Governor McAuliffe's Budget: Provides \$51.3 million in FY 2020 for the state's share of a 2% salary increase for instructional and support positions, effective December 1, 2019.</p>	<p>No Compensation Supplement provided in FY 2019. For FY 2020, funding of \$4.7 million is included for the state share to FCPS.</p>
<p>Virginia Retirement System (VRS) Contributions Governor McAuliffe's Budget: Decreases state funding for fringe benefit rates by \$22.5 million in FY 2019 and \$22.6 million in FY 2020 based on lower employer contribution rates:</p> <ol style="list-style-type: none"> 1) VRS contribution rate of 15.68% in for FY 2019 and FY 2020 (down from 16.32% in FY 2018); 2) retiree health care credit rate of 1.20% in FY 2019 and FY 2020 (down from 1.23% in FY 2018); 3) employer rate for group life of 0.52% in FY 2019 and FY 2020, the same as in FY 2018. <p>Decreases transfer from the Literary Fund to support the state's share of cost for teacher retirement by \$35 million in FY 2019 and by \$45 million in FY 2020 and replaces it with General Funds. This is only a change in the source of funding.</p>	<p>Results in reduced expenditures of \$9.8 million as compared to the FY 2018 approved budget. This impact was previously included in the FY 2019 budget forecast presented to the SB/BOS on November 28, 2017.</p>

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**BUDGET PROPOSALS FOR FY 2018 - FY 2020 DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Bill
Item #

135

<p>At-Risk Program Governor McAuliffe's Budget: Provides \$7.1 million in FY 2020 to enhance funding for the At-Risk program, which provides funding to support the additional costs of educating at-risk students.</p>	<p>No impact to FY 2019. FCPS will receive additional \$0.2 million in FY 2020.</p>
<p>Other Items of Interest Governor McAuliffe's Budget: Provides \$7.7 million in state funding for a full time principal in every elementary school in FY 2020. Currently, state funding is provided for 0.5 of an elementary school principal in schools with enrollment under 300 students. Governor McAuliffe's Budget: Provides \$1 million over the biennium to fund two-week cybersecurity camps dedicated to exposing high school students to cybersecurity careers. Governor McAuliffe's Budget: Provides \$1 million over the biennium to support principal recruitment and retention incentives in Virginia's most challenged school divisions. Governor McAuliffe's Budget: Includes \$11.5 million to ensure that no locality loses state funding for public education in FY 2019 as compared to that locality's FY 2018 state distribution.</p>	<p>No impact in FY 2019. Currently, there is only one elementary school (Bucknell) in FCPS with enrollment under 300. No direct impact to FCPS. No direct impact to FCPS. The Department of Education will establish criteria for awarding funds. No direct impact to FCPS.</p>

<p><u>Impact to the Fairfax County Public Schools (FCPS) FY 2019 Operating Fund Budget</u> Governor McAuliffe's Budget: Compared to FCPS' FY 2018 Approved Budget, Governor McAuliffe's Budget includes \$31.3 million more in state aid and \$8.9 in sales tax revenue. Compared to FCPS' FY 2019 Budget Forecast presented to the SB/BOS on November 28, 2017, Governor McAuliffe's Budget includes \$8.7 million more in state aid and \$5.0 million in sales tax revenue.</p>

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**BUDGET PROPOSALS FOR FY 2016 - FY 2018 CABOOSE
as of January 19, 2018**

Budget Item #	Issue	Fairfax County Impact
Transportation		
HB 2313 Regional Implementation		
456	<p>Governor's Budget: Includes the regional funds provided for in HB 2313, including \$658.6 million for distribution of Northern Virginia Transportation Authority Fund Revenues over the biennium. The Commonwealth's revised estimates are \$800,000 above what was projected for the biennium last year.</p>	<p>The amount received by the County is dependent on actual collections of the revenue sources. However, based on these projections, over the biennium, Fairfax County should receive approximately \$98.8 million to allocate for local projects approved by the Board of Supervisors, minus the respective shares provided to Vienna and Herndon (30% funding returned to localities). NVTA will allocate approximately \$461 million, of which approximately \$230 million should benefit the County (70% funding retained by NVTA). Staff anticipate that Fairfax County could receive approximately \$400,000 more than previously estimated.</p>
Highway Construction		
453	<p>Governor's Budget: Increases Highway Construction Programs' overall funding by \$355.9 million over the biennium. \$259.6 million is provided for State of Good Repair (\$.5 million increase); \$227.8 million for the High Priority Projects Program (\$72.5 million increase); \$209.3 million for the Construction District Grant Program (\$54 million increase); \$2.7 billion for Specialized State and Federal Programs (\$382.4 million increase); and \$1.2 billion is available for Legacy Construction Formula Programs (\$153.5 million decrease). Of the Specialized State and Federal Programs:</p> <ul style="list-style-type: none"> • \$205.3 million is for the Regional Surface Transportation Program (RSTP); • \$109.1 million is for the Highway Safety Improvement Program (HSIP); • \$140.8 million is for the Congestion Mitigation and Air Quality (CMAQ) Program; • \$250 million is for Revenue Sharing; • \$40.6 million is for the Surface Transportation Block Grant Program Set-Aside; • \$6.9 million is for the Virginia Transportation Infrastructure Bank (VTIB); and • \$3.5 million is for the Transportation Partnership Opportunity Fund (TPOF). 	<ul style="list-style-type: none"> • Many of these funds are subject to the Smart Scale prioritization process, so the impact to Fairfax County is currently unclear. • Retaining the current funding levels for Revenue Sharing (\$100 million in FY 2018), which is a reduction from previous years. This could be detrimental to the County, which regularly applies for, and receives, close to the maximum award (recently reduced from \$10 million to \$5 million total award per locality). • RSTP, HSIP, CMAQ, and TAP funds are similar to what was allocated in previous years.
Highway Maintenance		
454	<p>Governor's Budget: Increases funding for Highway System Maintenance and Operations by \$.5 million for the biennium; with \$41 million less for Interstates, \$22.4 million less for primaries, and \$55.4 million more for secondaries, and \$11.4 million more for Transportation Operations Services.</p>	<p>Using historical estimates, an estimated \$85,000 more may be available for maintenance within Northern Virginia.</p>
Toll Facilities		
455	<p>Governor's Budget: Increases funding to the Toll Facilities Account by \$22.1 million for the biennium; with \$2.7 million more for Acquisition and Construction; \$10.7 million more for Maintenance and Operations; and \$8.7 million more for the Toll Facilities Revolving Fund.</p>	<p>This relates to the construction and operation of new facilities, including those located in the County.</p>
Miscellaneous		
442	<p>Governor's Budget: Provides a line of credit up to \$20.7 million to the Department of Motor Vehicles (DMV) as a temporary cash flow advance to support operational costs related to the implementation and issuance of REAL ID compliant credentials. DMV has authority to impose a \$10 surcharge on all first issuances of REAL ID compliant credentials that are acceptable for federal purposes, which will be used to reimburse the line of credit.</p>	<p>No direct impact on the County.</p>

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**BUDGET PROPOSALS FOR FY 2018 - FY 2020
DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Item #	Issue	Fairfax County Impact
Transportation		
County-Related Projects		
446	Governor's Budget: Removes language directing the Department of Rail and Public Transportation (DRPT) to work with Fairfax County and the Virginia Department of Transportation to develop a cost-effective method to make improvements to the rail bridge over Route 1 as part of the Atlantic Gateway project.	Progress has been made on the project, but language may need to be retained until the full issue has been resolved.
HB 2313 Implementation and Washington Metropolitan Area Transit Authority (WMATA)/VRE Funding		
456	Governor's Budget: Includes the regional funds provided for in HB 2313, including \$823.2 million for distribution of Northern Virginia Transportation Authority Fund Revenues over the biennium. The funding is \$164.6 million above what was projected for the 2016-2018 biennium in the Caboose Bill to provide funding for WMATA and VRE. The additional revenue comes from increasing two regional revenue sources provided to NVTA for regional transportation projects – the regional congestion relief fee (grantor's tax) would increase from \$0.15 to \$0.25 for each \$100 of value of property sold, and the Transient Occupancy Tax on hotel stays would increase from two percent to three percent. Of the total funds provided to NVTA, 35 percent would be allocated to WMATA capital needs and 5 percent would be allocated to VRE capital and operating needs. Language also includes a price floor for the regional gas tax to match the price floor for the statewide gas tax, with such funds being provided to WMATA for capital improvements.	Impact on the County is currently unknown. The proposal would provide additional funding for WMATA and VRE. However, the number (and amount) of new projects that NVTA would be able to fund would be reduced. Support for the regional gas tax floor is included in the County's Legislative Program.
Other WMATA Items		
433	Governor's Budget: Removes language directing the Secretary of Transportation to undertake a review of WMATA with the intent of identifying issues requiring reform, including identifying all issues of concern that must be addressed as part of the WMATA Compact renegotiation.	The review was completed and has been provided to the General Assembly.
445	Governor's Budget: Includes \$2.4 million from the Mass Transit Account for federally mandated state safety oversight of fixed rail guideway transit agencies, i.e. the Metrorail Safety Commission (MSC).	The County supported the MSC Legislation during the 2017 General Assembly session. Utilizing this funding for the MSC could lead to slightly reduced funding for statewide transit funding (the Northern Virginia region receives a large portion of this funding).
445	Governor's Budget: Removes language requiring WMATA to submit quarterly reports on actions taken to address recommendations of the USDOT's 2014 Systems Review.	WMATA has fulfilled this requirement in the past and the Governor is proposing discontinuing the requirement. No direct impact on the County is expected.
448	Governor's Budget: Retains language directing VDOT to provide a loan of up to \$6.2 million, in each year, to address any shortfall in transit funding due to FTA's withholding of Virginia's transit allocations because the Metro Safety Commission has not been enacted by all of the signatory parties. The amounts would be repaid once FTA releases Virginia's allocations. Certification has not occurred yet, partially because the District of Columbia has not appointed all their members to the MSC, and other factors.	Should help address funding shortfalls for transit systems related to FTA's decision. The delay could impact approximately \$4 million for Northern Virginia transit systems, including WMATA and VRE.

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**BUDGET PROPOSALS FOR FY 2018 - FY 2020
DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Item #	Issue	Fairfax County Impact
Dulles Airport Funding		
433	<p>Governor's Budget: No longer includes language regarding funding for \$50 million in additional funding for the Metropolitan Washington Airports Authority (MWAA) for the reduction of enplanement costs at Dulles Airport, along with requirements in regards to the receipt of those funds.</p>	<p>These were one-time funds expected to help improve the competitiveness of Dulles, which was consistent with the Board's Federal Legislative Strategy.</p>
Mass Transit Funding		
445	<p>Governor's Budget: Provides \$950.1 million for Public Transportation Programs for the biennium, including \$378.2 million for Operating Assistance (\$7.8 million increase) and \$191.3 million for Capital Assistance (\$77.5 million increase).</p> <p>Authorizes the CTB to issue \$110 million in bonds in the second year for the Transit Capital Fund, to be used to support capital expenditures involving the establishment, improvement, or expansion of public transportation services through specific projects approved by the CTB.</p>	<p>This funding will help address the transit capital funding shortfall, conservatively identified at \$130 million annually over the ten years, expected to begin in 2019. Northern Virginia receives a significant amount of the funding, due to the amount of transit service provided. While the increased funding will address capital needs, the specific impact is unknown due to proposed changes to the capital funding process (as noted in the item below).</p>
445	<p>Governor's Budget: Requires DRPT, in conjunction with the Transit Service Delivery Advisory Committee, to complete the development and implementation of a statewide project-specific prioritization process for state transit capital funding to be approved by the Commonwealth Transportation Board. The process should be based upon the recommendations of the Transit Capital Project Revenue Advisory Board and undertaken with input from localities, MPOs, transit authorities, transportation authorities, and other stakeholders. DRPT will report annually on the state of implementation of the process, which must be in place no later than July 1, 2020.</p>	<p>Extensive changes have been made to the distribution of these funds in the past two years, pursuant to SB 1140 (2013). Additionally, capital funds are already prioritized for rolling stock (buses and trains), many of which are replacement vehicles (which is more analogous to road maintenance and is not prioritized through HB 2). Further, the majority of statewide transit service exists in Northern Virginia - changing current formulas is likely to reduce funding for the region. The Transit Capital Project Revenue Advisory Board report noted that the General Assembly and CTB should consider the additional need for revenues before implementing a new prioritization process.</p>

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**BUDGET PROPOSALS FOR FY 2018 - FY 2020
DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Item #	Issue	Fairfax County Impact
	Highway Maintenance	
454	<p>Governor's Budget: Increases funding for Highway System Maintenance and Operations by \$41.9 million for the biennium over the 2016-2018 Caboose bill: \$631.5 million for Interstates (\$21.1 million reduction); \$928.3 million for primaries (\$16.4 million reduction) and \$1.3 billion for secondaries (\$75.7 million increase); and \$382.0 million for Transportation Operations Services (\$3.8 million increase).</p>	<p>Using historical estimates, approximately \$7.1 million more may be available for maintenance within Northern Virginia.</p>
	Highway Construction	
	Overall Funding	
450	<p>Governor's Budget: Increases Highway Construction Programs' overall funding by \$196 million over the biennium from the 2016-2018 Caboose. \$129.1 million is provided for State of Good Repair (\$130.5 million reduction); \$309 million for the High Priority Projects Program (\$81.2 million increase); \$309 million for the Construction District Grant Program (\$99.7 million increase); \$2.97 billion for Specialized State and Federal Programs (\$293.5 million increase); and \$988.7 million is available for Legacy Construction Formula Programs (\$167.4 million decrease). Of the Specialized State and Federal Programs:</p> <ul style="list-style-type: none"> • \$221.1 million is for the Regional Surface Transportation Program (RSTP); • \$106.2 million is for the Highway Safety Improvement Program (HSIP); • \$155.9 million is for the Congestion Mitigation and Air Quality (CMAQ) Program; • \$200 million is for Revenue Sharing; • \$40.4 million is for the Surface Transportation Block Grant Program Set-Aside; • \$6.9 million is for the Virginia Transportation Infrastructure Bank (VTIB); • \$3.5 million is for the Transportation Partnership Opportunity Fund (TPOF) • \$769.8 million represents the estimated project participation costs from localities and regional entities. • \$150.9 in the second year represents the bond proceeds to be used for the Route 58 Corridor Development Program. 	<ul style="list-style-type: none"> • Many of these funds are subject to the Smart Scale prioritization process, so the impact to Fairfax County is currently unclear. • Retaining the current funding levels for Revenue Sharing (\$100 million in FY 2018), which is a reduction from previous years. This could be detrimental to the County, which regularly applies for, and receives, close to the maximum award (recently reduced from \$10 million to \$5 million total award per locality). • RSTP, HSIP, CMAQ, and TAP funds are similar to what was allocated in previous years.

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**BUDGET PROPOSALS FOR FY 2018 - FY 2020
DURING THE 2018 GENERAL ASSEMBLY SESSION
as of January 19, 2018**

Budget Item #	Issue	Fairfax County Impact
I-66 Projects		
433	Governor's Budget: Removes language directing the CTB to enter into discussions with Fairfax and Arlington Counties regarding use of air rights over I-66 in their respective jurisdictions no later than October 1, 2016. A report on the progress and outcome of such discussions was required by July 15, 2017.	A report was submitted to the General Assembly. An update was provided to the Board of Supervisors at the September 19, 2017, Legislative Committee meeting.
433	Governor's Budget: Removes language directing the Secretary of Transportation to report to House Appropriations and Senate Finance on the outcome of negotiations under the I-66 Outside the Beltway RFP by October 31, 2016, to enable consideration of proceeding with public financing of such project if the public-private proposal does not meet the terms outlined in the RFP. Governor's Budget: Removes language requiring that the CTB provide up to \$140 million in the FY 2017-2022 SYIP to add a third eastbound travel lane on I-66 from the Dulles Connector Road to the Glebe Road/Fairfax Drive exit; begin environmental work on such project by July 15, 2016; and complete a minimum of 30 percent of the design work by November 1, 2017; as well as the language noting it is the intent of the General Assembly that tolling on I-66 Inside the Beltway should not extend beyond four hours during the morning rush hour and four hours during the evening rush hour on weekdays, excluding national holidays and weekends.	The CTB approved commercial close with the project partner for the project in December 2016. Financial close occurred in Fall 2017. The funding has already been committed and the project is ongoing. Additionally, the hours of operation have been addressed in legal documents.
Toll Facilities		
452	Governor's Budget: Reduces funding to the Toll Facilities Account by \$31.8 million for the biennium from the 2016-2018 Caboose Bill; no funding is provided for Acquisition and Construction; \$6.4 million is provided for Debt Service (similar to the amount provided in the 2016-2018 biennium); \$12.8 million more for Maintenance and Operations; and, \$23.1 million more for the Toll Facilities Revolving Fund.	TBD. There are several toll facilities in the County.
433	Governor's Budget: Removes language stating that existing statutory provisions governing project labor agreements apply to PPTA projects.	Removes any concern about multistate facilities. The impact on other projects is TBD.
452	Governor's Budget: Removes language directing VDOT to examine how to develop an annual report on public and private toll road violations and civil penalties and administrative fees levied and collected each year.	No direct impact to the County. Report was due on November 15, 2017, but has not been submitted yet.
Miscellaneous		
439	REAL ID Governor's Budget: Continues a line of credit up to \$20.7 million to the Department of Motor Vehicles (DMV) as a temporary cash flow advance to support operational costs related to the implementation and issuance of REAL ID compliant credentials. DMV has authority to impose a \$10 surcharge on all first issuances of REAL ID compliant credentials that are acceptable for federal purposes, which will be used to reimburse the line of credit.	No direct impact on the County.

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**WMATA and Statewide Mass Transit Legislation
HB 1319 (Sullivan)/SB 856 (Saslaw)**

**Fairfax County Legislative Committee
January 19, 2018**

Northern Virginia Funding

- **HB 1319/SB 856** provide funding for both the Washington Metropolitan Area Transit Authority (WMATA) and the Virginia Railway Express (VRE) through a variety of methods.
- The bills create a price floor for the regional gas tax (for both Northern Virginia and Hampton Roads), matching the price floor for the statewide gas tax, with such additional funds being provided to WMATA for capital improvements (support for the gas tax floor is included in the County's Legislative Program). This should generate about \$17 million per year for the region.
- The bills increase two of the regional revenue sources provided to the Northern Virginia Transportation Authority (NVRTA) by the 2013 General Assembly (GA) – the regional congestion relief fee (grantor's tax) would increase from \$0.15 to \$0.25 for each \$100 of value of property sold and the Transient Occupancy Tax would increase from two percent to three percent.
 - Funds provided from the additional NVRTA taxes would generate approximately \$50 million per year in additional regional revenues.
- **HB 1319/SB 856** allocate 35 percent of all NVRTA funds (including existing NVRTA funding and the additional new revenues) to WMATA capital needs and five percent to VRE capital and operating needs, resulting in a total of approximately \$145 million in funding for WMATA and \$19 million for VRE per year.
- Regional funding for new projects would be reduced as follows:
 - The "70%" regional funds would be reduced to 42 percent of the revenues received by the region.
 - The "30%" local funds would be reduced to 18 percent of funds received by the region.
- **HB 1319/SB 856** require localities in Planning District 8 to maintain the current level of local transportation funding in the future, using the average of FY 2015-2018 funding levels.
- Further, the bill requires the jurisdictions to continue to provide the same amount of funding to WMATA (for NVRTC jurisdictions) and VRE (for PRTC jurisdictions) that they averaged between FY 2015 and 2018.

WMATA Reform

- **HB 1319/SB 856** require the new revenues to be contingent on Maryland and the District of Columbia providing their share of funding.
- NVTC would no longer be required to appoint a WMATA Board member from its membership.
- NVTC would only make one appointment to the WMATA Board (unless the size of the Board grows larger than five members) and that appointee could not be an elected official.

Statewide Transit Funding

- **HB 1319/SB 856** authorize the Commonwealth Transportation Board (CTB) to issue \$110 million in Capital Projects Revenue Bonds per year for five years.
- The bills require the development and implementation of a statewide project-specific prioritization process, based on Asset Management criteria for State of Good Repair Projects and Smart Scale-like criteria for major expansion projects (such a process would have to be in place by July 1, 2020).
- **HB 1319/SB 856** also restructure the Commonwealth Mass Transit account so WMATA would receive a percentage of funds directly – WMATA would not be eligible for any of the remaining funding.

Staff Recommended Fairfax County Position on HB 1319/SB 856

- Support for WMATA dedicated funding and governance reforms is in the County's legislative program; County will work with stakeholders to address concerns with the bills.

Federal Tax Reform

January 15, 2018



Tax Conformity

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Why We Conform to the Internal Revenue Code

- ▶ Virginia return starts with federal determination of income
- ▶ Taxpayer does not have to recalculate with possibly different Virginia definitions and rules
- ▶ Department can rely on federal data and compliance measures for accuracy
 - ▶ Reduces potential revenue loss attributable to noncompliance
 - ▶ Reduces administrative compliance costs (e.g., audits)
- ▶ Virginia forms and compliance focus on Virginia additions, subtractions and credits

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Rolling v. Fixed Conformity

- ▶ From 1972 until 2002, Virginia relied on the new constitutional provision to automatically conform to any Congressional changes in the definition of income
- ▶ The 2002 Appropriation Act included a provision temporarily fixing the date of conformity to the IRC as of December 31, 2001
- ▶ In 2003 the General Assembly adopted fixed date conformity by:
 - ▶ Adopting the IRC as it existed on December 31, 2002; and
 - ▶ Specifically excepting the depreciation and NOL provisions modified by JCWAA
- ▶ Annual conformity bills have advanced the date of fixed conformity and revised the list of exceptions as needed

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Tax Reform Act of 1986

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Federal Changes

- ▶ Enacted in October 1986 and designed to be revenue neutral
- ▶ Consolidated individual brackets from fifteen to four, decreased top rate, and raised bottom rate
- ▶ Individual standard deduction, personal exemption, and earned income credit increased
- ▶ Top corporate marginal rate declined from 46 percent to 34 percent and definition of business taxable income was broadened
- ▶ Corporate alternative minimum tax increased
- ▶ Created a Virginia windfall ranging from \$173-\$253 million (FY 1988-1991)

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Tax Reform Act of 1986

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Virginia's Response

- ▶ Threshold for top bracket increased over 4 years from \$12,000 to \$17,000
- ▶ Personal exemption increased from \$600 to \$800 over 2 years
- ▶ Standard deduction increased to \$3,000 (single) and \$5,000 (married) over 2 years
- ▶ Filing threshold increased to \$5,000 (single) and \$8,000 (married)
- ▶ Provided deduction to hold aged and blind taxpayers harmless
- ▶ Repealed accelerated depreciation modifications under ACRS
- ▶ Established three funds to capture any excess tax reform revenues to transition revenue impacts from year-to-year (Individual Income Tax Transition Fund; Tax Reform Reserve Fund; and Excess Cost Recovery Repeal Fund)

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Tax Cuts and Jobs Act of 2017

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Summary

- ▶ The Tax Cuts and Jobs Act is the most substantial federal tax legislation since 1986
- ▶ Certain provisions, such as rate and bracket changes, have no Virginia impact
- ▶ Many provisions do have a Virginia revenue impact
- ▶ The Department is working on estimating the Virginia revenue impact
 - ▶ Generally, Virginia relies on Joint Committee on Taxation (JCT) estimates as a starting point for estimating the Virginia impact of federal tax legislation
 - ▶ Due to the interaction between the federal provisions, including some that do not impact Virginia, this approach does not work for the 2017 tax reform bill

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Tax Cuts and Jobs Act of 2017

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Estimating the Virginia Revenue Impact

- ▶ The Department has contracted with Chainbridge Consulting, LLC, to use Virginia's existing individual income tax model and federal tax data for Virginia taxpayers to estimate the impact
- ▶ The CEO of Chainbridge worked for the JCT during the Tax Reform Act of 1986
- ▶ The company has experience building income tax models for other states
- ▶ The Chainbridge model will use the same stacking order as the JCT to estimate the impact of the federal changes
- ▶ It will also estimate the impact of Virginia law changes compared to the new law

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Tax Cuts and Jobs Act of 2017

Major Provisions with a Virginia Impact

Individual Provisions	Business Provisions
Increase in Federal Standard Deduction (+)	Interest Deduction (+)
State and Local Tax Deduction (+)	NOL Rules (+)
Mortgage Interest Deduction (+)	Amortization of Research Expenses (+)
Limitation on Losses for Noncorporate Taxpayers (+)	Domestic Production Activities Deduction (+)
Medical Expenses Deduction (-)	Repeal of Certain Like-Kind Exchanges (+)
Overall Limitation on Itemized Deductions (-)	Limitations on Fringe Benefits (+)
	Increase IRC 179 Expensing (-)
	Simplified accounting rules for small businesses (-)

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Major Individual Provisions

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Increase in the Federal Standard Deduction

- ▶ Virginia does not conform to the federal standard deduction amount
- ▶ A taxpayer may only itemize on the Virginia return if itemizing on the federal return
- ▶ As a result of the federal provision, certain taxpayers will begin claiming the federal standard deduction and, therefore, the Virginia standard deduction
- ▶ Comparison of the Virginia and federal standard deduction amounts:

Filing Status	Virginia Standard Deduction	2017 Federal Standard Deduction	2018 Federal Standard Deduction
Single (or Married Filing Separately)	\$3,000	\$6,350	\$12,000
Married Filing Jointly	\$6,000	\$12,700	\$24,000

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Major Individual Provisions

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State and Local Tax (SALT) Deduction

- ▶ Individuals can generally deduct the amount paid in state and local income taxes (or sales taxes), real property taxes, and personal property taxes
- ▶ Effective beginning in Taxable Year 2018, the SALT deduction is capped at \$10,000
- ▶ Because Virginia disallows the deduction for income taxes, taxpayers will be impacted on the Virginia return to the extent they have real and personal property taxes (and sales taxes) in excess of the \$10,000 cap
- ▶ Many individuals attempted to prepay their 2018 property taxes before December 31 in order to avoid the \$10,000 limitation
- ▶ However, case law and a recent IRS announcement state that payments will not be allowed as a 2017 deduction in cases where the tax had not yet been assessed

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Major Individual Provisions

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Mortgage Interest Deduction

- ▶ Taxpayers may currently deduct interest paid on up to \$1 million of home mortgage debt, as well as a second place of residence
 - ▶ This limitation is reduced to \$750,000 beginning in Taxable Year 2018
 - ▶ However, a grandfathering provision applies to debt incurred before December 15, 2017; the \$1 million limitation will continue to apply to such debt
- ▶ Additionally, taxpayers may currently deduct interest paid on up to \$100,000 of home equity debt
 - ▶ Beginning in Taxable Year 2018, this will no longer be allowed

Major Individual Provisions

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Medical Expenses Deduction

- ▶ Currently, taxpayers may claim an itemized deduction for medical expenses in excess of 10% of adjusted gross income (7.5% for taxpayers age 65 and older)
- ▶ For taxpayers age 65 and older, the floor was scheduled to increase to 10% in 2017
- ▶ For Taxable Years 2017 and 2018, this floor is reduced to 7.5% of AGI

Taxable Year(s)	Under Age 65	Age 65 and Older
Prior to Taxable Year 2013	7.5%	7.5%
Taxable Years 2013-2016	10%	7.5%
Taxable Years 2017 and 2018	7.5%	7.5%
Taxable Year 2019 and After	10%	10%

Repeal of Overall Limitation on Itemized Deductions (Pease Limitation)

- ▶ Prior to Taxable Year 2018, itemized deductions were subject to an overall limitation that reduced the otherwise allowable amount by 3% of the amount by which AGI exceeded a threshold amount (up to an 80% reduction)
- ▶ For Taxable Year 2017, this limitation begins with incomes of \$261,500 or more (\$313,800 for married couples filing jointly)
- ▶ The limitation does not apply to certain deductions, such as medical expenses, investment expenses, gambling losses, and certain theft and casualty losses
- ▶ Beginning in Taxable Year 2018, this limitation does not apply

Limitation on Losses for Noncorporate Taxpayers

- ▶ Active business losses in excess of \$250,000 (\$500,000 for joint filers) cannot be claimed against non-business income; instead such excess losses become part of NOL carryforward
- ▶ Expands the limitation on excess farming loss to other noncorporate taxpayers
- ▶ **Example:** In 2018, a single taxpayer has business deductions of \$500,000 and business income of \$200,000. His excess business loss is computed as follows:
 - ▶ $\$500,000 - (\$200,000 + \$250,000) = \$50,000$
 - ▶ He may claim deductions against non-business income = \$250,000
 - ▶ He may carryforward the \$50,000 excess business loss as an NOL

Major Business Provisions

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Interest Deduction

- ▶ Prior to Taxable Year 2018, the deduction of investment interest was limited
 - ▶ For individuals, the deduction is limited to investment income
 - ▶ For corporations, interest may be disallowed if debt-to-equity ratio exceeds 1.5/1.0 and net interest expense exceeds 50% of adjusted income
 - ▶ Disallowed interest may be carried forward
- ▶ Beginning in Taxable Year 2018, the deduction is limited to 30% of the business's adjusted income
 - ▶ Special rules or exemptions for partnerships, certain utilities, and businesses with gross receipts less than \$25 million
 - ▶ Disallowed interest may be carried forward

Major Business Provisions

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Net Operating Losses

- ▶ Effective beginning in Taxable Year 2018:
 - ▶ NOLs are limited to 80% of taxable income
 - ▶ NOLs generally cannot be carried back, but can be carried forward indefinitely
- ▶ Prior to Taxable Year 2018
 - ▶ In 2002, Congress extended the maximum carryback period for NOLs generated during 2001 and 2002 from two years to five years
 - ▶ In 2009, Congress extended the maximum carryback period for NOLs generated during 2008 and 2009 from two years to five years
- ▶ In 2003 and 2010, the GA deconformed from both NOL carryback extensions

Major Business Provisions

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Amortization of Research Expenses

- ▶ Prior to Taxable Year 2018, ²⁰¹⁸ taxpayers may:
 - ▶ Elect to immediately deduct the amount of certain reasonable research or experimentation expenditures paid or incurred with a trade or business; or
 - ▶ Capitalize such expenditures and amortize them ratably over at least 5 years
- ▶ For research or experimentation expenditures paid or incurred in Taxable Year 2022 and thereafter:
 - ▶ The immediate deduction will no longer be permitted; and
 - ▶ Taxpayers will be required to capitalize such expenditures and amortize them ratably over a period of at least 5 years, 15 years for foreign expenditures

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Major Business Provisions

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Domestic Production Activities Deduction

- ▶ Responding to complaints that certain provisions were an export subsidy that violated a treaty, Congress replaced them with the Domestic Production Activities Deduction as part of the American Jobs Creation Act of 2004 (IRC § 199)
 - ▶ The deduction was phased in; for 2010 and after, it was increased from 6% to 9% of qualifying expenses
- ▶ In 2010, Virginia partially deconformed from this provision to allow only 2/3 of the deduction (i.e., 6%)
- ▶ In 2012, the provision was modified to allow the full deduction for 2013 and after
- ▶ The Tax Cuts and Jobs Act repeals IRC § 199 for 2018 and after

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Major Business Provisions

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Like-Kind Exchanges

- ▶ Prior to Taxable Year 2018, gain or loss resulting from like-kind exchanges of personal property, real property not held primarily for sale, and intangible property was not recognized for income tax purposes
- ▶ Effective beginning in Taxable Year 2018:
 - ▶ Gain or loss resulting from like-kind exchanges of personal property and intangible property is now recognized for income tax purposes
 - ▶ Gain or loss resulting from like-kind exchanges of real property not held primarily for sale will remain unrecognized for income tax purposes

Employer Fringe Benefits

- ▶ Effective beginning in Taxable Year 2018:
 - ▶ Business deductions for a qualified transportation fringe are disallowed
 - ▶ This includes van pools, subway or transit cards, and qualified parking expenses
 - ▶ The value of a qualified transportation fringe benefit provided by an employer to an employee remains excluded from the employee's income
 - ▶ Business deductions for entertainment, amusement, and recreation are disallowed
 - ▶ The exclusion for qualified bicycle commuting reimbursements is disallowed

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Major Business Provisions

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IRC 179 Expensing

- ▶ Prior to Taxable Year 2018, businesses could expense up to \$500,000 of qualifying property instead of depreciating it
 - ▶ The deduction amount is reduced when qualifying purchases exceed \$2 million
- ▶ The Tax Cuts and Jobs Act increases the expense deduction to \$1 million of qualifying property
 - ▶ The deduction amount is reduced when qualifying purchases exceed \$2.5 million

Small Business Accounting Rules

- ▶ The following apply beginning in Taxable Year 2018:
 - ▶ An expansion of the universe of taxpayers that can use the cash method of accounting by increasing the threshold for the cash method from \$5 million in gross receipts (generally \$1 million for those businesses that are required to use the inventory method) to \$25 million
 - ▶ An increase in the exemption from the uniform capitalization (“UNICAP”) rules from \$10 million or less in gross receipts to \$25 million or less
 - ▶ An increase in the exception for accounting for long-term contracts from \$10 million or less in gross receipts to \$25 million or less

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